

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 11/28/2018 3:23:19 AM
To: Michelle Bloodworth [mbloodworth@americaspower.org]
CC: Paul Bailey [pbailey@americaspower.org]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Speaker Request
Flag: Flag for follow up

I think I can make this work. I'm ccing Alex to help.

Sent from my iPhone

On Nov 27, 2018, at 6:04 PM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Mandy,

I know this is short notice but would you be available to speak on the ACE Rule this Friday on a panel at ALEC. It's from 10:00 until 11:15 a.m. I'm on the panel along with Allison Wood of UARG. Clint was going to speak but is going to be out of town. You'd be perfect and we could really use someone from EPA.

Please let me know as soon as you can. I can give you the details if you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/30/2018 5:09:26 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Paul Bailey [pbailey@americaspower.org]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Speaker Request

You did a great job. Thank you so much.

Sent from my iPhone

On Nov 30, 2018, at 9:44 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Getting in car now to head over

From: Michelle Bloodworth <mbloodworth@americaspower.org>
Sent: Friday, November 30, 2018 9:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Paul Bailey <pbailey@americaspower.org>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Speaker Request

Just confirming you are coming.

Sent from my iPhone

On Nov 27, 2018, at 10:23 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I think I can make this work. I'm ccing Alex to help.

Sent from my iPhone

On Nov 27, 2018, at 6:04 PM, Michelle Bloodworth
 <mbloodworth@americaspower.org> wrote:

Mandy,

I know this is short notice but would you be available to speak on the ACE Rule this Friday on a panel at ALEC. It's from 10:00 until 11:15 a.m. I'm on the panel along with Allison Wood of UARG. Clint was going to speak but is going to be out of town. You'd be perfect and we could really use someone from EPA.

Please let me know as soon as you can. I can give you the details if you are available.

Thanks,
 Michelle

Michelle Bloodworth

President and CEO

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4803 • M: 202.595.4663

mbloodworth@americaspower.org

<image001.png>

Message

From: Brickey, Matthew [MBrickey@nma.org]
Sent: 9/7/2018 12:41:55 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]
Subject: RE: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19
Attachments: Event Information Form - NMA Fall Environment Committee Meeting.docx

Hi Alex,

Please find attached the completed event information form. If you need any additional information or have questions please let me know.

Thank you,

Matt

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Thursday, September 6, 2018 3:47 PM
To: Brickey, Matthew <MBrickey@nma.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19

Thank you Matt and confirmed for Friday, October 19th at 8:30. Her official title is Principal Deputy Assistant Administrator, Office of Air and Radiation. I've attached her bio in case it can be of use.

Alex

From: Brickey, Matthew [mailto:MBrickey@nma.org]
Sent: Thursday, September 6, 2018 3:26 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19

Hi Alex,

That sounds great, I will put Mandy down for the 8:30 AM – 9:30 AM time slot on Friday, October 19th. I'll start working on the form today and get that to you by tomorrow at the latest. I do have one quick question for you, what is Mandy's official title now?

Thanks,

Matt

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Thursday, September 6, 2018 2:26 PM
To: Brickey, Matthew <MBrickey@nma.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19

Hey Matt,

If still available, can we lock in the Friday, October 19th 8:30AM – 9:30AM time slot? Additionally, if you could please fill out the attached form that would be great. Anything else please let us know.

Best,
Alex

Alex Dominguez

Policy Analyst to the Principal Deputy
Office of Air and Radiation
U.S. Environmental Protection Agency
D: 202-564-3164
M: 202-578-5985

From: Brickey, Matthew [<mailto:MBrickey@nma.org>]
Sent: Thursday, September 6, 2018 11:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19

Hi Mandy,

I wanted to provide you with a draft agenda of NMA's Fall Environment Committee Meeting that includes time slots that are available for speakers. There are five time slots still available on Thursday, October 18 and two available for Friday, October 19.

Thank you,

Matt

From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Sent: Thursday, September 6, 2018 10:02 AM
To: Brickey, Matthew <MBrickey@nma.org>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Re: Invitation to Speak at National Mining Association's Environment Committee Meeting Oct. 18-19

Hi Matthew,

I'd be happy to. I'm looping in Alex and Isabel to help confirm logistics and run this through ethics. One of us will follow up with the official confirmation soon.

I hope all is well.
Best,
Mandy

Sent from my iPhone

On Sep 6, 2018, at 8:56 AM, Brickey, Matthew <MBrickey@nma.org> wrote:

Ms. Gunasekara:

On behalf of the National Mining Association (NMA), I would like to invite you to address a broad section of the mining industry at our upcoming meeting of NMA's Environment Committee; a formal invitation is attached. The meeting will be held on Oct. 18 and 19, 2018, at the Renaissance Washington, D.C. Downtown Hotel located at 999 Ninth Street, N.W., Washington, DC. We would welcome an opportunity for you to meet with our members for approximately 60 minutes during either day. Our meeting will begin on Oct. 18 at 11 a.m. and end the following day by 1 p.m. We are currently flexible on speaker times.

Thank you in advance for your consideration,

Matthew Brickey

<image001.png>

Matthew Brickey
Director, Air Quality
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2608
mbrickey@nma.org

<Mandy Gunasekara Invite.pdf>

Event Information Form

This form has been designed to assist in planning participation in events and activities.
This is not a confirmation of attendance.

Basic Background

Name of Event	NMA's Fall 2018 Environment Committee Meeting
Sponsoring Organization	National Mining Association
Date of Event	October 18 and 19
Time of Event	Oct. 18: 7:30 am-6:30pm; Oct. 19: 7:30am-5:00pm
Expected time of remarks or participation by EPA Official	Oct. 19: 8:30am-9:30am
Location (please include city/town and street address)	Renaissance Washington, D.C. Downtown Hotel 999 Ninth Street, NW Washington, D.C., 20001
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	Meeting Room: Mount Vernon A
Where to meet POC	Lobby of Renaissance Washington, D.C. Downtown Hotel

Event Description and Role of the EPA official

Brief description or outline of the event	The biannual environment committee meeting provides NMA members with an update of important environmental issues impacting industry.
Brochure, invitation and/or other event material(s)	Formal invitation and draft agenda already provided via email. Final agenda will be distributed when finalized.
Agenda and order of speakers and biography/information of other speakers	Draft agenda already provided via email. Final agenda will be distributed when finalized. Speaker will present on Friday, Oct. 19 from 8:30am-9:30am
Name of person introducing EPA Official	Matthew Brickey
Basic information about the role of the EPA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	The speaker will be providing a 60-minute presentation to NMA environment committee members regarding current air quality issues affecting the mining industry (i.e., status of ACE Rule/NSR, 111(b), Utility MATS Rule, Regional Haze, NAAQS Implementation, CSAPR, etc.)
If the EPA official a featured speaker, which topic(s) should they address and how long?	The speaker should address the current status of the major air quality issues impacting the mining industry, including (i.e., ACE Rule/NSR, 111(b), Utility MATS Rule, Regional Haze, NAAQS Implementation, CSAPR, etc.)
What rules would the audience like to hear about?	Current status of ACE Rule/NSR, 111(b), Utility MATS Rule, Regional Haze, NAAQS Implementation, CSAPR.
Will there be time for Q&A? If so, who will be moderating?	Yes. Matthew Brickey

Do you have a sense of the types of questions that may be asked?	NMA Environment Committee members may ask questions related to the current status of the abovementioned rules as it relates to their respective operations. Given the date of the meeting, members may be focused on the ACE Rule/NSR proposal.
Recommendations on the use of visuals/PowerPoint. Should the EPA official plan on using a PowerPoint Presentation?	PowerPoint Presentation would be most beneficial to NMA environment committee members.
What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	Podium

About the Audience

Please tell us about the make-up of the audience for the event:	NMA Environment Committee Members
Expected number in attendance at the event	60 - 70
Will it be largely members of your organization?	Yes
Will others be in attendance? If so, who will be at the event? (General public, Businesspeople, Educators, Families, Students – what grade level, Children – how old)	The audience will only be members of NMA's Environment Committee
Others? (Please describe)	N/A
Is the event open to press?	No

Contact Information

Your name:	Matthew Brickey
Telephone Number:	Personal Phone / Ex. 6
Mailing Address:	101 Constitution Ave., NW Washington, DC 20001
E-Mail Address:	Ex. 6 Personal Privacy (PP)
Cell Phone Number:	
Fax Number:	Personal Phone / Ex. 6
Best way to reach you at the event?	Cell phone number

EPA Contact Person

Mandy Gunasekara

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 10/16/2018 9:30:00 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]
Subject: RE: Follow-up

Thanks for checking.
 Paul

Paul Bailey
 4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
 T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

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From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 16, 2018 4:54 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Follow-up

Hey Paul,

I spoke with Bill's assistant and unfortunately he will be on travel November 14th. Appreciate you extending the invitation and I've cc'd Isabel in our communications office – she is best person to reach out to if there is a future speaking opportunity.

Best,
 Alex

From: Gunasekara, Mandy
Sent: Monday, October 15, 2018 8:00 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Follow-up

Hey Paul- I'll check with his scheduling team and they will follow up.
 Best,
 Mandy

Sent from my iPhone

On Oct 15, 2018, at 6:39 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Mandy –

First, your presentation hit the mark. Lots of discussion since the meeting about how best to support ACE. Second, would Bill be available to speak at our Board meeting the morning of Nov. 14?

Thanks,

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

-----Original Message-----

From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Sent: Thursday, October 11, 2018 8:00 AM

To: Paul Bailey <pbailey@americaspower.org>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Re: Great Job

Good to see you. Let me know of any follow up!

Sent from my iPhone

> On Oct 10, 2018, at 8:05 PM, Paul Bailey <pbailey@americaspower.org> wrote:

>

> Many thanks for speaking to our members today.

>

> Paul Bailey

> 4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

> T: 202.459.4818 | M: 703.586.2422

> pbailey@americaspower.org

>

>

>

> -----Original Message-----

> From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

> Sent: Wednesday, October 10, 2018 10:46 AM

> To: Paul Bailey <pbailey@americaspower.org>

> Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

> Subject: Schedule conflict

>

> Hey Paul,

> I've had a WH meeting pop up at 215 today. Is there any flexibility with regard to when I can come speak?

>

> Sent from my iPhone

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/28/2018 7:07:52 PM
To: Wood, Allison D. [awood@hunton.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Blank, Michael [MBlank@peabodyenergy.com]; Paul Bailey [pbailey@americaspower.org]
Subject: ALEC ACE Rule Panel
Attachments: ALEC registration EEA 1127.xlsx

Thank you for agreeing to participate on the panel discussion concerning the new ACE rule. The panel discussion is part of the American Legislative Exchange Council's 'State and National Policy Summit'.

Michael Blank with Peabody is sponsoring the panel and is a member of ACCCE. Logistics are listed below. If you have any specific questions, please reach out to Michael Blank who is copied on this email.

Title: ALEC Workshop on the Affordable Clean Energy rule

Location: Grand Hyatt Wash. DC (1000 H st. NW, wash. DC)

Registration: You will need a name badge to get to the conference room. Please check in at the registration deck on the lower level of the Grand Hyatt.

Time: 10-11:15 a.m. Friday Nov. 30

Audience: State Legislators and private sector industry (attached is a list of registered attendees)

Panel: We have three panelist covering various angles of the ACE rule.
 Each participant will have 20 minutes
 Panelist are allowed to have PPT slides. (please email them to Grant Kidwell
gkidwell@alec.org)
 Q&A will follow

Participants and Order

1. Mandy Gunasekara (U.S. EPA) – overview of the proposed ACE rule
2. Allison Wood (UARG) - legal aspects of the rule
3. Michelle Bloodworth (ACCCE) – Importance of the Rule to the Coal Fleet and the Role of States in implementing the ACE rule

Note: these are state legislators that get hit with tons of issues. Please keep the presentation at a high level. (don't get too detailed or you will lose them)

Thank you for agreeing to do this on such short notice.

Michelle

Michelle Bloodworth
 President and CEO

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4803 • M: 202.595.4663

mbloodworth@americaspower.org

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Campaign Name	Salutation	First Name	Last Name
2018 States & Nation Policy Summit	Ms.	Phyllis	Arthur
2018 States & Nation Policy Summit	Ms.	Elizabeth	Bahnsen
2018 States & Nation Policy Summit	Mr.	Jason	Baran
2018 States & Nation Policy Summit	Representative	Gregory	Barreto
2018 States & Nation Policy Summit	Mr.	Dan	Barron
2018 States & Nation Policy Summit	Mr.	Paul	Blair
2018 States & Nation Policy Summit	Mr.	David	Blatnik
2018 States & Nation Policy Summit	Mr.	Stephen	Brooks
2018 States & Nation Policy Summit	Representative	Todd	Clodfelter
2018 States & Nation Policy Summit	Representative	David	Cook
2018 States & Nation Policy Summit	Ms.	Katherine	Cullen
2018 States & Nation Policy Summit	Mr.	Keith	den Hollander
2018 States & Nation Policy Summit	Mr.	Steven	Eddy
2018 States & Nation Policy Summit	Rev.	John	Eick
2018 States & Nation Policy Summit	Mr.	Randy	Eminger
2018 States & Nation Policy Summit	Hon.	Mark	Finchem
2018 States & Nation Policy Summit	Representative	Spencer	Gosch
2018 States & Nation Policy Summit	Mrs.	Bette	Grande
2018 States & Nation Policy Summit	Representative	Kyle	Hall
2018 States & Nation Policy Summit	Senator	William	Hansell
2018 States & Nation Policy Summit	Mr.	Jason	Hayes
2018 States & Nation Policy Summit	Mr.	Charles	Hernick
2018 States & Nation Policy Summit	Senator	Sharon	Hewitt
2018 States & Nation Policy Summit	Mr.	Stephen	Higley
2018 States & Nation Policy Summit	Ms.	Sarah	Hunt
2018 States & Nation Policy Summit	Mr.	Linde	Jason
2018 States & Nation Policy Summit	Ms.	Jennifer	Jura
2018 States & Nation Policy Summit	Mr.	John	Keaton
2018 States & Nation Policy Summit	Mrs.	Sarah C.	Keenan
2018 States & Nation Policy Summit	Senator	Sine	Kerr
2018 States & Nation Policy Summit	Representative	Mike	Kuglitsch
2018 States & Nation Policy Summit	Representative	Dan	Laursen
2018 States & Nation Policy Summit	Senator	Dennis	Linthicum
2018 States & Nation Policy Summit	Mr.	Chet	Love
2018 States & Nation Policy Summit	Mrs.	Megan	Martin
2018 States & Nation Policy Summit	Dr.	Adrian	Moore
2018 States & Nation Policy Summit	Mr.	Michael	Morgan
2018 States & Nation Policy Summit	Mr.	Andrew	Moylan
2018 States & Nation Policy Summit	Mr.	James	Myers
2018 States & Nation Policy Summit	Hon.	Jeanine	Notter
2018 States & Nation Policy Summit	Ms.	Mary Kathleen	O'Hearn
2018 States & Nation Policy Summit	Mr.	Stan	Pinegar
2018 States & Nation Policy Summit	Mr.	Mark	Pischa
2018 States & Nation Policy Summit	Senator	Frank	Pratt

2018 States & Nation Policy Summit	Ms.	Katie	Prendergast
2018 States & Nation Policy Summit	Mr.	Thomas	Pyle
2018 States & Nation Policy Summit	Representative	David	Reis
2018 States & Nation Policy Summit	Mr.	Chris	Rhodes
2018 States & Nation Policy Summit	Representative	Dennis	Riddell
2018 States & Nation Policy Summit	Mr.	Charles	Rigler
2018 States & Nation Policy Summit	Mr.	Edward	Rivet
2018 States & Nation Policy Summit	Speaker Pro Tempore	Thomas	Shope
2018 States & Nation Policy Summit	Representative	Ron	Simmons
2018 States & Nation Policy Summit	Mr.	David Cameron	Smith
2018 States & Nation Policy Summit	Representative	Larry	Smith
2018 States & Nation Policy Summit	Mr.	Russell	Smoldon
2018 States & Nation Policy Summit	Mr.	Kenneth	Stein
2018 States & Nation Policy Summit	Mrs.	Cheri	Steinmetz
2018 States & Nation Policy Summit	Mr.	Ben	Taube
2018 States & Nation Policy Summit	Ms.	Kristine	Telford
2018 States & Nation Policy Summit	Hon.	Andrew	Thompson
2018 States & Nation Policy Summit	Mr.	Riley	Titus
2018 States & Nation Policy Summit	Representative	Tyler	Vorpagel
2018 States & Nation Policy Summit	Senator	Frank	Wagner
2018 States & Nation Policy Summit	Mr.	Lary	Ward
2018 States & Nation Policy Summit	Representative	Michael	Webber
2018 States & Nation Policy Summit	Delegate	Michael	Webert
2018 States & Nation Policy Summit	Representative	Logan	Wilde
2018 States & Nation Policy Summit	Representative	David	Wolkins

Primary Affiliation	Registration Type
Biotechnology Industry Organization	ALEC Non-Profit Non-Member
Marathon Petroleum Corporation	ALEC Private Sector Member
Salt River Project	ALEC Private Sector Member
Oregon Legislative Assembly	ALEC Legislative Member
Alliance Resource Partners	ALEC Private Sector Member
Americans for Tax Reform Foundation	ALEC Non-Profit Member
Marathon Petroleum Corporation	ALEC Private Sector Member
Pfizer Inc.	ALEC Private Sector Member
Arizona State Legislature	ALEC Legislative Member
Arizona State Legislature	ALEC Legislative Member
First Solar	ALEC Private Sector Member
Christian Coalition	ALEC Non-Profit Member
UNS Energy Corporation	ALEC Private Sector Member
American Fuel & Petrochemical Manufacturers	ALEC Private Sector Member
Energy Policy Network	ALEC Private Sector Member
Arizona State Legislature	ALEC Legislative Member
South Dakota Legislature	ALEC Legislative Member
Heartland Institute	ALEC Non-Profit Member
North Carolina General Assembly	ALEC Legislative Member
Oregon Legislative Assembly	ALEC Legislative Member
Mackinac Center for Public Policy	ALEC Private Sector Member
Citizens for Responsible Energy Solutions Forum	ALEC Non-Profit Member
Louisiana Legislature	ALEC Legislative Member
Marathon Petroleum Corporation	ALEC Private Sector Member
Cornerstone Group International	ALEC Non-Profit Member
National Rural Electric Cooperative Association	ALEC Private Sector Member
Edison Electric Institute	ALEC Private Sector Member
Duke Energy Corporation	ALEC Private Sector Member
State Policy Network	ALEC Non-Profit Member
Arizona State Legislature	ALEC Legislative Member
Wisconsin Legislature	ALEC Legislative Member
Wyoming Legislature	ALEC Legislative Member
Oregon Legislative Assembly	ALEC Legislative Member
Cornerstone Group International	ALEC Private Sector Member
Salt River Project	ALEC Private Sector Member
Reason Foundation	ALEC Non-Profit Member
Koch Companies Public Sector, LLC	ALEC Private Sector Member
National Taxpayers Union	ALEC Non-Profit Member
State Policy Network	ALEC Non-Profit Member
New Hampshire General Court	ALEC Legislative Member
State Policy Network	ALEC Non-Profit Member
Duke Energy Corporation	ALEC Private Sector Member
Conservative Energy Network	ALEC Non-Profit Member
Arizona State Legislature	ALEC Legislative Member

Pinnacle West Capital Corporation, APS	ALEC Private Sector Member
American Energy Alliance	ALEC Non-Profit Member
Illinois General Assembly	ALEC Legislative Member
Cooperative Energy	ALEC Private Sector Member
North Carolina General Assembly	ALEC Legislative Member
Charles G. Koch Charitable Foundation	ALEC Non-Profit Member
Conservative Energy Network	ALEC Non-Profit Member
Arizona State Legislature	ALEC Legislative Member
Texas Legislature	ALEC Legislative Member
R Street Institute	ALEC Non-Profit Member
New Hampshire General Court	ALEC Legislative Member
B3 Strategies	ALEC Private Sector Member
American Energy Alliance	ALEC Non-Profit Member
Wyoming Legislature	ALEC Legislative Member
Ygrene Energy Fund	ALEC Private Sector Member
Edison Electric Institute	ALEC Private Sector Member
Ohio General Assembly	ALEC Legislative Member
CropLife America	ALEC Private Sector Member
Wisconsin Legislature	ALEC Legislative Member
Virginia General Assembly	ALEC Legislative Member
Conservative Energy Network	ALEC Non-Profit Member
Michigan Legislature	ALEC Legislative Member
Virginia General Assembly	ALEC Legislative Member
Utah Legislature	ALEC Legislative Member
Indiana General Assembly	ALEC Legislative Member

Task Forces	Work Email
EEA	parthur@bio.org
EEA	erbahnsen@marathonpetroleum.com
EEA	jason.baran@srpnet.com
OR; EEA	rep.gregbarreto@oregonlegislature.gov
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EEA	stan.pinegar@duke-energy.com
EEA	mpischea@sterlingcorporation.com
EEA; AZ	fpratt@azleg.gov

EEA	katie.prendergast@aps.com
EEA	tpyle@energydc.org
EEA	reis@davidreis.org
EEA	crhodes@cooperativeenergy.com
PUB STATE CHAIRS; EEA; NC	riddellnc64@gmail.com
EEA	charles.rigler@charleskochinstitute.org
EEA	erivet@micef.org
EEA; AZ	tshope@azleg.gov
HOMELAND; TX; EEA	rsimmons@raa.com
EEA	csmith@rstreet.org
NH; EEA	replarrysmith@gmail.com
EEA; PRI ST CHAIRS; AZ	rsmoldon@b3strategies.com
EEA	kstein@energydc.org
WY; EEA	cheribeth88@reagan.com
EEA	ben.taube@ygrene.com
EEA	ktelford@eei.org
EEA; OH	publisher@birdwatchersdigest.com
EEA	rtitus@croplifeamerica.org
WI; EEA	tvorpagel@gmail.com
EEA	district07@senate.virginia.gov
EEA	lward@conservativeenergynetwork.org
EEA; MI	michaelwebber@house.mi.gov
TAX; EEA; VA	delmwebert@house.virginia.gov
EEA	loganwilde@le.utah.gov
EEA; PUB STATE CHAIRS; IN	daw8144@gmail.com

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/28/2018 11:09:05 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Paul Bailey [pbailey@americaspower.org]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Speaker Request

Thanks so much.

Sent from my iPhone

On Nov 27, 2018, at 10:23 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I think I can make this work. I'm ccing Alex to help.

Sent from my iPhone

On Nov 27, 2018, at 6:04 PM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Mandy,

I know this is short notice but would you be available to speak on the ACE Rule this Friday on a panel at ALEC. It's from 10:00 until 11:15 a.m. I'm on the panel along with Allison Wood of UARG. Clint was going to speak but is going to be out of town. You'd be perfect and we could really use someone from EPA.

Please let me know as soon as you can. I can give you the details if you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 10/6/2018 8:48:20 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Michelle Bloodworth [mbloodworth@americaspower.org]; DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]
Subject: Event Information Form Attached
Attachments: Event Information Form - ACCCE strategy and policy meeting.docx

Alex – Please let us know if you need anything else.

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Friday, October 05, 2018 9:32 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Michelle Bloodworth <mbloodworth@americaspower.org>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: October 10

Thank you, Paul. Mandy is confirmed for Wednesday, October 10th at 2:00 – 2:30. If you could also please fill out the attached speaking event form it would be greatly appreciated. Anything else please let me know.

Best,
 Alex

Alex Dominguez

Office of Air and Radiation

U.S. Environmental Protection Agency

D: 202-564-3164

From: Paul Bailey [mailto:pbailey@americaspower.org]
Sent: Thursday, October 4, 2018 8:54 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Michelle Bloodworth <mbloodworth@americaspower.org>
Subject: RE: October 10

Thanks, Alex. We want to accommodate Mandy's schedule so 2:00 – 2:30 works. The meeting is at DCI Group, 1828 L Street NW, Suite 400. I'll send a final agenda tomorrow.

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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From: Dominguez, Alexander <dominguez.alexander@epa.gov>

Sent: Thursday, October 04, 2018 4:16 PM

To: Paul Bailey <pbailey@americaspower.org>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: October 10

Paul – Could you let me know where the event will be hosted in DC? Just want to check for logistical purposes, but Mandy should be able to participate 2:00 – 2:30 if that works on your end.

Alex Dominguez

Office of Air and Radiation

U.S. Environmental Protection Agency

D: 202-564-3164

Event Information Form

This form has been designed to assist in planning participation in events and activities.
This is not a confirmation of attendance.

Basic Background

Name of Event	ACCCE Policy and Strategy Committee Meeting
Sponsoring Organization	America's Power (aka ACCCE)
Date of Event	October 10, 2018
Time of Event	1:00 pm – 4:00 pm
Expected time of remarks or participation by EPA Official	2:00 pm – 2:30 pm
Location (please include city/town and street address)	DCI Group 1828 L Street, NW, Suite 400, Washington DC
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	There is one main entrance on L Street
Where to meet POC	Please meet Mitch Baer in the main lobby upon arrival / Ex. 6 Personal Privacy (PP)

Event Description and Role of the EPA official

Brief description or outline of the event	The Policy and Strategy Committee meets on a regular basis to discuss energy and environmental issues that affect the coal fleet.
Brochure, invitation and/or other event material(s)	
Agenda and order of speakers and biography/information of other speakers	<ol style="list-style-type: none"> 1. Mandy Gunasekara, Principal Deputy Assistant Administrator, Office of Air and Radiation, EPA 2. Tony Clark, Senior Advisor at Wilkinson, Barker, Knauer, LLP 3. Michael Meyers, Partner and President at Target Point Consulting 4. John Ashford, Chairman and CEO at The Hawthorn Group
Name of person introducing EPA Official	Paul Bailey, past President and CEO of ACCCE
Basic information about the role of the EPA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	Role of EPA official is to offer remarks on major air policies and take questions from attendees.
If the EPA official is a featured speaker, which topic(s) should they address and how long?	20-25 minutes on major EPA air policies.
What rules would the audience like to hear about?	Air issues that affect the coal fleet (e.g., ACE, NSR)

Will there be time for Q&A? If so, who will be moderating?	Yes, Paul Bailey
Do you have a sense of the types of questions that may be asked?	Likely to be questions about the status of air regulations
Recommendations on the use of visuals/PowerPoint. Should the EPA official plan on using a PowerPoint Presentation?	PPT is optional
What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	Medium-size conference room with podium at one end of the room. EPA official can stand behind podium.

About the Audience

Please tell us about the make-up of the audience for the event:	Representatives of ACCCE member companies (electricity generators, coal producers, railroads, barge operators, and equipment manufacturers)
Expected number in attendance at the event	Approx. 35 expected
Will it be largely members of your organization?	Yes
Will others be in attendance? If so, who will be at the event? (General public, Businesspeople, Educators, Families, Students – what grade level, Children – how old)	Only ACCCE members, staff and consultants
Others? (Please describe)	No others
Is the event open to press?	No

Contact Information

Your name:	Paul Bailey
Telephone Number:	Ex. 6 Personal Privacy (PP)
Mailing Address:	
E-Mail Address:	pbailey@americaspower.org
Cell Phone Number:	Ex. 6 Personal Privacy (PP)
Fax Number:	4601 N. Fairfax Drive, Suite 1050 Arlington, VA 22203
Best way to reach you at the event?	Cell phone above or Mitch Baer Ex. 6 Personal Privacy (PP)

EPA Contact Person

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/4/2018 8:15:55 PM
To: Paul Bailey [pbailey@americaspower.org]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: October 10

Paul – Could you let me know where the event will be hosted in DC? Just want to check for logistical purposes, but Mandy should be able to participate 2:00 – 2:30 if that works on your end.

Alex Dominguez

Office of Air and Radiation
U.S. Environmental Protection Agency
D: 202-564-3164

From: Paul Bailey [mailto:pbailey@americaspower.org]
Sent: Tuesday, October 2, 2018 7:44 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: October 10

Excellent. Thx.

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

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From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Sent: Tuesday, October 02, 2018 7:39 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: October 10

Hey Paul- thank you for the follow up. I'm looping in Alex to ensure either Bill or I can make it. Talk soon.

Sent from my iPhone

On Oct 2, 2018, at 5:51 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Mandy – Just following up.
Paul

From: Paul Bailey <pbailey@americaspower.org>
Sent: Thursday, September 13, 2018 11:37 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: October 10

Mandy –

We're having a meeting of our Policy & Strategy Committee from 1:00 until 4:00 on Wednesday, October 10. The meeting is in DC. We'd love to have you or Bill speak to the group for 20-30 minutes on any topics you think are relevant, most likely ACE and perhaps NSR. Hope one or both of you can join us. I can send further details and follow up with a scheduler. Thanks for considering our invitation.

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/30/2018 2:43:51 PM
To: Michelle Bloodworth [mbloodworth@americaspower.org]
CC: Paul Bailey [pbailey@americaspower.org]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Speaker Request

Yes – en route

Sent from my iPhone

From: Michelle Bloodworth <mbloodworth@americaspower.org>
Sent: Friday, November 30, 2018 9:42 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Paul Bailey <pbailey@americaspower.org>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Speaker Request

Just confirming you are coming.

Sent from my iPhone

On Nov 27, 2018, at 10:23 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I think I can make this work. I'm ccing Alex to help.

Sent from my iPhone

On Nov 27, 2018, at 6:04 PM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Mandy,

I know this is short notice but would you be available to speak on the ACE Rule this Friday on a panel at ALEC. It's from 10:00 until 11:15 a.m. I'm on the panel along with Allison Wood of UARG. Clint was going to speak but is going to be out of town. You'd be perfect and we could really use someone from EPA.

Please let me know as soon as you can. I can give you the details if you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 12/4/2018 4:57:16 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
Subject: Re: Speaking Engagement

Excellent. I'm traveling right now but can call late this afternoon. In the meantime, the panel is tentatively scheduled for 10:00-11:00.

Sent from my iPhone

On Dec 4, 2018, at 11:31 AM, Harlow, David <harlow.david@epa.gov> wrote:

Paul,

I'd be delighted to speak to your committee on the 13th, provided that a mutually agreeable time that day can be arranged and, of course, assuming that the makeup of the panel and/or the expected attendees/invitees do not present any recusal issues for me.

Feel free either to call me on my cell phone (202-424-0212) or, if more convenient, you can email me with more details. Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, December 4, 2018 10:25 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: Speaking Engagement

David –

One of our major committees is meeting on the 13th. We're putting together a panel to discuss ACE/NSR. If you're available and interested, I'd like to chat with you.

Thanks,

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 12/4/2018 3:25:04 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
Subject: Speaking Engagement

David –

One of our major committees is meeting on the 13th. We're putting together a panel to discuss ACE/NSR. If you're available and interested, I'd like to chat with you.

Thanks,

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 1/30/2019 6:10:55 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
CC: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]
Subject: RE: Update NARUC

Thanks, David. I'll reach out to him.

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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From: Harlow, David <harlow.david@epa.gov>
Sent: Wednesday, January 30, 2019 12:59 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Re: Update NARUC

Paul,

You should feel free to reach out to Clint on this, as I'm confident he'd be able to bring more value to this group than I could. I can't speak to his availability — I believe he may be on leave today, whereas I am on travel — but I'll take the liberty of "volunteering" him as a potential participant.

Sent from my iPhone

On Jan 30, 2019, at 11:46 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Just found out that it's Tuesday the 12th 10:45-11:45.

From: Paul Bailey
Sent: Wednesday, January 30, 2019 11:28 AM
To: Harlow, David <harlow.david@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; 'Atkinson, Emily' <Atkinson.Emily@epa.gov>
Subject: NARUC mtg Feb 11 (Monday)

David –

I'm speaking on a panel at a big NARUC mtg (utility commissioners) regarding the ACE rule. I've been asked to invited someone from EPA. The mtg is in DC, but that's

all the detail I have at the moment. Proving that no good deed goes unpunished (i.e., you've graciously agreed to speak to us on Feb 21), would you be interested and available for the NARUC panel? If not, I'll reach out to Clint or Mandy.

Thanks,
Paul

From: Atkinson, Emily <Atkinson.Emily@epa.gov>
Sent: Wednesday, January 30, 2019 10:59 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Meeting Feb 21

Hi Paul,

I am adding in Isabel DeLuca.

Please send us details of the event, location and the start/end times for the panel, and we will get this on David's calendar.

Thank you.
Emily

Emily Atkinson
Special Assistant
Management Analyst
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406E, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Monday, January 28, 2019 7:56 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Re: Meeting Feb 21

Excellent. Traveling right now but will follow up Wednesday
Paul

Sent from my iPhone

On Jan 28, 2019, at 4:28 PM, Harlow, David <harlow.david@epa.gov> wrote:

Paul,

Please forgive my considerable delay in getting back to you, but as I imagine your gathered from the “auto-reply” you should have received in response to your email of January 15, my being a lawyer (even a politically-appointed one) did not confer on me the status of being “essential” – nor should it have, of course! – and so I was on furlough from December 28 until now.

Assuming the offer still stands, I would be pleased to come speak to your group on the afternoon of February 21. To get this logged on our books, so to speak, if you would be so good as to contact Emily Atkinson with a “formal” request as to date, time, and place, she’ll get that locked in on my calendar. Emily, as you may know, is our office manager, and she keeps our calendars and keeps us organized in that regard.

You and I can, thereafter, confer informally about the subjects for discussion, etc.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, January 15, 2019 2:26 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: Meeting Feb 21

David –
Would you be available to talk to our Policy & Strategy Committee the afternoon of Thursday, Feb. 21? If so, we can chat about topics of interest.
Thanks,
Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 1/30/2019 4:27:51 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
CC: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]
Subject: NARUC mtg Feb 11 (Monday)

David –

I'm speaking on a panel at a big NARUC mtg (utility commissioners) regarding the ACE rule. I've been asked to invited someone from EPA. The mtg is in DC, but that's all the detail I have at the moment. Proving that no good deed goes unpunished (i.e., you've graciously agreed to speak to us on Feb 21), would you be interested and available for the NARUC panel? If not, I'll reach out to Clint or Mandy.

Thanks,
 Paul

From: Atkinson, Emily <Atkinson.Emily@epa.gov>
Sent: Wednesday, January 30, 2019 10:59 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Meeting Feb 21

Hi Paul,

I am adding in Isabel DeLuca.

Please send us details of the event, location and the start/end times for the panel, and we will get this on David's calendar.

Thank you.
 Emily

Emily Atkinson
 Special Assistant
 Management Analyst
 Immediate Office of the Assistant Administrator
 Office of Air and Radiation, USEPA
 Room 5406E, 1200 Pennsylvania Avenue NW
 Washington, DC 20460
 Voice: 202-564-1850
 Email: atkinson.emily@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Monday, January 28, 2019 7:56 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Re: Meeting Feb 21

Excellent. Traveling right now but will follow up Wednesday
Paul

Sent from my iPhone

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Paul,

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Assuming the offer still stands, I would be pleased to come speak to your group on the afternoon of February 21. To get this logged on our books, so to speak, if you would be so good as to contact Emily Atkinson with a “formal” request as to date, time, and place, she’ll get that locked in on my calendar. Emily, as you may know, is our office manager, and she keeps our calendars and keeps us organized in that regard.

You and I can, thereafter, confer informally about the subjects for discussion, etc.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, January 15, 2019 2:26 PM

To: Harlow, David <harlow.david@epa.gov>

Subject: Meeting Feb 21

David –

Would you be available to talk to our Policy & Strategy Committee the afternoon of Thursday, Feb. 21? If so, we can chat about topics of interest.

Thanks,

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | **M:** 703.586.2422

pbailey@americaspower.org

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 2/20/2019 2:14:16 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]
Subject: RE: Voicemail

Cool. Elizabeth has a hearing and asked to be moved up on the agenda, so she and Peter will take the 1:15 slot. You'll be following them.

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

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From: Harlow, David <harlow.david@epa.gov>
Sent: Wednesday, February 20, 2019 9:02 AM
To: Paul Bailey <pbailey@americaspower.org>
Subject: RE: Voicemail

Paul,

Thank you! While the feds are technically closed today, I figured that if I left this a.m. at my regular time, I'd be able to get in ahead of the weather (which proved to be the case).

Meanwhile, I'm delighted to see that Elizbeth Horner is scheduled to be there tomorrow right after me. Elizabeth, as you may be aware, is a former colleague of mine, and we'd recently been meaning to get together. Synchronicity.

See you tomorrow.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Wednesday, February 20, 2019 8:52 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: RE: Voicemail

Hope the weather is kind to you. Look forward to seeing you Thursday. Attached is the final agenda. Please let me know if you have any questions or needs.
Paul

From: Harlow, David <harlow.david@epa.gov>
Sent: Tuesday, February 19, 2019 7:13 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Voicemail

Paul,

Thank you very much for your voicemail. I think I've got a pretty good picture of what your folks are looking for, and I'm perfectly comfortable with what you outlined. Both the ACE rule and our NSR improvement/reform efforts are among the things I've been involved in most recently, so I should be able to pass along useful (or, at a minimum, timely!) information along those lines.

I'm not sure what the latest is on our supposed snow storm; because of where I live (northwestern Montgomery County, Maryland), I suppose it is possible I may not make it in if conditions are bad enough. But it is my intention to try to make it in, as we've got plenty to do here at the moment. In any event, you needn't call me back tomorrow unless you are otherwise inclined. I believe I have enough to be going on with.

I look forward to seeing you and your folks on Thursday.

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Harlow.David@epa.gov

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 2/20/2019 1:51:34 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
Subject: RE: Voicemail
Attachments: Policy and Strategy Committee Agenda February 21 2019.docx

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POLICY AND STRATEGY COMMITTEE MEETING

Thursday, February 21, 2019

DCI Group, 1828 L Street NW, Suite 400

1:00 pm Welcome & Opening Comments

- ❖ Chair, Mike Carey – Vice President, Governmental Affairs, Murray Energy Corporation

1:10 pm Agenda Overview

- ❖ Michelle Bloodworth – President and CEO, ACCCE

1:15 pm Strategy for ACE Rule

- ❖ *ACCCE will provide an update on strategy to support implementation of the ACE rule.*

1:45 pm EPA Update

- ❖ David Harlow – Advisor, Office of Air and Radiation, EPA
David will provide an update on the ACE rule and NSR reform.

2:15 pm Hill Update

- ❖ Elizabeth Horner – Senior Counsel, Senate Environment and Public Works Committee
Elizabeth will provide an update on EPWs activities.
- ❖ Peter Spencer – Senior Professional Staff Member, House Energy and Commerce Committee (*invited*)
Peter will provide an update on likely committee activities.

3:00 pm NERC Special Reliability Assessment

- ❖ John Moura – Director Reliability Assessment, NERC
John will provide an update on NERC's efforts to analyze the impacts of accelerated generation retirements on the reliability and resilience of the electricity grid.

3:30 pm Polling Update and Climate Change Messaging

- ❖ Michael Myer – President, Target Pointe

Michael will give an update on quarterly polling results.

- ❖ Andy O'Brien – Partner, DCI Group

Andy will give an overview of the trends in recent polls regarding climate change.

- ❖ ACCCE Climate Change Messaging

ACCCE will solicit feedback from members.

4:15 pm Other Items

4:30 pm Adjourn

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 12/6/2018 4:32:26 PM
To: Harvey, Reid [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8ec31caad5048db83f210032847de32-RHARVE02]
CC: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]
Subject: RE: Speaking Engagement Wednesday

Excellent and thanks. I'll try to call later this afternoon.
 Paul

From: Harvey, Reid <Harvey.Reid@epa.gov>
Sent: Thursday, December 06, 2018 10:50 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Harlow, David <harlow.david@epa.gov>
Subject: RE: Speaking Engagement Wednesday

Paul:

Thank you for the invitation to speak next week. I am available and interested. I've blocked off the time on my calendar. Let's do talk about the details when you have time. I'm at Ex. 6 Personal Privacy (PP), I've got some open time today before 11:30 or after 2:30pm. And tomorrow is also good for me.

Thanks,
 Reid

Reid Harvey
 Director, Clean Air Markets Division
 US EPA - OAP/OAR
 1200 Pennsylvania Ave., NW
 Washington, DC 20460
 202-343-9429

From: Paul Bailey <pbailey@americaspower.org>
Sent: Thursday, December 6, 2018 7:16 AM
To: Harvey, Reid <Harvey.Reid@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>
Subject: Speaking Engagement Wednesday

Reid –

I'm not sure if we've met before, but I've heard your name. ACCCE is holding a meeting of its Policy & Strategy Committee next Wednesday in DC, and I'd like to invite you to speak on a panel about the ACE rule. The panel is scheduled for 10:15-11:45 am. If you're available and interested, I can call you with further details.

Thanks,
Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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Paul M. Seby
 Tel 303.572.6584
 Fax 720.904.7684
 sebyp@gtlaw.com

October 31, 2018

The Honorable Andrew Wheeler
 Acting Administrator
 U.S. Environmental Protection Agency
 1200 Pennsylvania Ave., N.W.
 Washington, DC 20460

Submitted electronically via Regulations.gov

Re: Comments of Combustion and Emissions Technologies, LLC on the Federal Register/Vol. 83, No. 170, August 31, 2018/Proposed Rules entitled *Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations; Revisions to New Source Review Program* (Docket ID No. EPA-HQ-OAR-2017-0355)

Dear Administrator Wheeler:

Combustion and Emissions Technologies, LLC is pleased to comment on the Environmental Protection Agency's ("EPA") proposed rules entitled "Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units ("EGUs"); Revisions to Emission Guidelines Implementing Regulations; Revisions to New Source Review Program," 83 Fed. Reg. 44746 (Docket ID No. EPA-HQ-OAR-2017-0355) ("CPP Repeal" and "Proposed ACE Rule") aimed at repealing the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan ("CPP" or the "Rule").

I. INTRODUCTION AND OVERVIEW

A. Combustion and Emissions Technologies, LLC

Combustion and Emissions Technologies, LLC ("CET") developed a patent protected combustion promoting catalyst technology known as CETALYST™. CET's CETALYST™ technology is used at coal-burning EGUs to reduce greenhouse gas (GHG) emissions, increase operational efficiency, reduce carbon particulate matter (PM), NOx, and SO₃ and improve the quality of fly ash byproducts. Due to a reduction in the amount of coal needed to generate the same equivalent unit of electricity, use of CET's CETALYST™ technology represents a net cost-savings to coal-burning EGUs. CETALYST™ is thus a valuable technology for reducing the GHG emissions of EGUs and should be at the center of any discussion of GHG reducing technologies or practices.

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B. EPA's Proposed CPP Repeal and Proposed ACE Rule

1. Proposed CPP Repeal.

EPA is proposing to repeal the CPP in its entirety, as promulgated on October 23, 2015. EPA now proposes a change in its legal interpretation of section 111(d) of the Clean Air Act (CAA), on which the CPP was based, to an interpretation that is consistent with the CAA's text, context, structure, purpose, and legislative history, as well as with the Agency's historical understanding and exercise of its statutory authority. EPA's new interpretation properly ensures that performance standards for EGUs are set at the level of individual facilities, instead of across the power sector as a whole, and that states have additional flexibility in deciding how to meet those performance standards.

As discussed below, CET believes that EPA's explanation of the reasons for the repeal of the CPP are valid. CET applauds the EPA for repealing the unlawful CPP and returning to a regulatory system under the Proposed ACE Rule that allows the reliable and low-cost energy of coal-burning EGUs to continue to provide energy across the United States.

2. Proposed ACE Rule.

In addition to repealing the CPP, EPA proposes three major distinct actions in the Proposed ACE Rule, all of which are the focus of these CET comments:

- a. **First**, EPA is proposing to replace the CPP with revised emissions guidelines (the Proposed ACE rule) that inform the development, submittal, and implementation of state plans to reduce GHG emission from certain EGUs. In the proposed emissions guidelines, consistent with the interpretation described in the proposed repeal of the CPP, the Agency is proposing to determine that heat rate improvement (HRI) measures are the Best System of Emission Reductions (BSER) for existing coal-fired EGUs.
- b. **Second**, EPA is proposing new regulations that provide direction to both EPA and the states on the implementation of emission guidelines. The new proposed implementing regulations would apply to existing EGU's and also existing major stationary sources subject any future emission guideline issued under CAA section 111(d).
- c. **Third**, EPA is proposing revisions to the New Source Review (NSR) program that will help prevent NSR from being a barrier to the implementation of efficiency projects at existing EGUs.

Under the first two distinct actions, the EPA proposes setting standards of performance via a three-step process. First, EPA issues a "guideline" for states to use in developing compliance plans that include standards of performance for stationary sources within a particular source category. The guideline identifies what EPA determines is the BSER for the relevant sources within the source category. Second, each state submits a plan to EPA that includes standards of performance for the covered sources in the state. Third, EPA approves or disapproves of the state

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plans. If a state fails to submit an approvable plan, the CAA requires EPA to impose a federal plan. On the third distinct issue on which EPA is soliciting comment, EPA is proposing revisions to the NSR permitting program to make it easier for EGUs to adopt HRIs without triggering NSR obligations.

CET supports and applauds the EPA in all three of these distinct actions in the Proposed ACE Rule. Each step represents an approach, based on the EPA's statutory authority as laid out in the CAA, that will allow EPA and the states flexibility in encouraging the reliable and low-cost energy provided by coal-burning EGUs. Additionally, CET believes that while EPA is taking important steps to return to the textual requirements of the CAA in the Proposed ACE Rule, EPA can and should do more to ensure that states and EGUs have flexible options for meeting emissions standards through new technologies, such as combustion promoting catalysts like CETALYST™, for achieving emissions reductions under the Proposed ACE Rule.

II. CET'S INTEREST IN THE PROPOSED ACTIONS

The regulation of the EGU sector and the implementation of the CAA are both of intense interest to CET, as the developer and manufacturer of a combustion promoting catalyst known as CETALYST™ that is a proven technology which allows coal-burning EGUs to reduce GHG emissions. CETALYST™ reduces GHG emissions by increasing coal-burning EGUs' operational efficiency, resulting in a reduction of the amount of coal used to achieve the same power output, and should be included in any discussion of GHG emissions reducing technologies.

CETALYST™ use in coal-burning EGUs also results in the reduction of air emissions of carbon PM, NO_x, and SO₃, and increases quality of post-coal combustion materials such as fly ash. CETALYST™ is composed of safe materials and can be tailored to maximize operational efficiencies and emission reductions for the many varieties of coal used in the United States. CETALYST™ thus represents a significant opportunity for coal-burning EGUs to simultaneously reduce GHG emissions, other emissions and costs.

For example, during extensive testing under Dr. Michael Mann, Executive Director of the Institute for Energy Studies at the University of North Dakota, using Northern Appalachian bituminous coal, which normally produces a large percentage of unburned carbon PM. The use of CETALYST™ catalyst resulted in a 90% reduction of the carbon PM, and CET estimates that this would result in 1-4% improvement in EGU efficiency depending on how much carbon escapes the combustion process.

Additional validation experiments conducted in the spring of 2018 at the Energy and Environmental Research Center (EERC) at the University of North Dakota, under Dr. Brian Kalk (former Chairman of the North Dakota Public Service Commission and former Chair of the National Association of Regulatory Utilities Coal Committee) show that using CETALYST™ in the EERC large pilot plant combustor with Northern Appalachian bituminous coal decreased the yield of carbon PM substantially by 58%, corresponding to a 4% overall efficiency gain. A further decrease in carbon PM can be obtained with additional product and operational optimizations, and under these conditions CET estimates a corresponding EGU system-wide efficiency would increase to over 5%.

The Honorable Andrew Wheeler
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These efficiency gains translate to a reduction in total coal consumption necessary to generate the same amount of power that coal-burning EGUs would otherwise create. For example, a small 500MW power plant consumes 1.6 million metric tons of coal annually. A 4% reduction in coal consumption corresponds to 64,000 metric tons of coal saved per year to generate the same amount of power. Those 64,000 metric tons of coal represent significant GHG emissions that are achieved without: installation of any additional facility upgrades/technologies in the coal-burning EGU (potentially triggering additional review or oversight under either the CPP or the Proposed ACE Rule) and without the need for changes in operations and maintenance practices.

Further, these efficiency gains represent a net savings for coal-burning EGUs, meaning that instead of costing the EGU time, money, and resources to implement the CETALYST™ emissions reduction technology, CETALYST™ implementation and use results in increased profits for the EGU. Under the 500MW power plant discussed above which resulted in annual savings of 64,000 metric tons of coal, and using a figure of \$65 per metric ton, CETALYST™ use saves \$4.2M/year. The average cost of using CETALYST™ is \$2.7M/year and the power plant realizes an average net savings of \$1.5M/year.

III. CET'S RESPONSE TO SPECIFIC EPA REQUESTS FOR COMMENTS ON THE PROPOSED CPP REPEAL

CET supports and applauds EPA's reasoning that the BSER in the CPP exceeded EPA's CAA authority by establishing the BSER using measures that applied to the power sector as a whole, rather than measures that apply at and to, and can be carried out at the level of, individual facilities. The lack of flexibility in the CPP unlawfully targets coal-burning EGUs, a reliable and low-cost energy source. Now, under the Proposed ACE Rule, coal-burning EGUS will be able to reduce their GHG emissions through source specific BSER technologies as intended by the CAA.

CET also supports and applauds EPA's reasoning that the CPP exceeded EPA's CAA authority by requiring that each state plan must rigidly comply with EPA's standard of performance without the ability for variances or consideration of additional technologies based on state specific factors. EPA's prior CPP interpretation was opposite to the statutory text of 111(d), which merely establishes a "procedure" for states to submit plans and does not require rigid adherence to EPA performance standards. While EPA has authority to guide states in the exercise of their discretion, EPA cannot eliminate *all* state authority and discretion.

Under the Proposed ACE Rule, EPA now properly allows states flexibility in determining standards of performance, including flexibility around choosing technologies to meet those standards. In addition to allowing coal-burning EGUs to reduce their GHG emissions through source specific BSER technologies, this change in the Proposed ACE Rule will also allow states to consider state-specific factors and technologies that will provide coal-burning EGUs even more flexibility (and effectiveness) in reducing GHG emissions.

IV. CET'S RESPONSE TO SPECIFIC EPA REQUESTS FOR COMMENTS THE PROPOSED ACE RULE

A. CET's Comments on EPA's Proposed BSER Guidelines

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Under the Proposed ACE Rule, EPA now proposes revised emission guidelines that target HRI measures as the BSER for existing coal-fired EGUs. Heat rate is a measure of efficiency, and HRIs are focused on reducing the amount of energy input required for an EGU to generate one kilowatt hour (kWh) of electricity. EPA notes in the Proposed ACE Rule that it has studied potential HRI measures, including technologies, equipment upgrades, and operating and maintenance practices, and has proposed a list of the most impactful “candidate technologies” of HRI measures that states must evaluate when establishing a standard of performance for any particular source. The current candidate technologies listed in the Proposed ACE Rule are:

- Neural Network/Intelligent Soot blowers
- Boiler Feed Pumps
- Air Heater and Duct Leakage Control
- Variable Frequency Drives
- Blade Path Upgrade (Steam Turbine)
- Redesign/Replace Economizer
- Improved Operating and Maintenance Practices

83 Fed. Reg. at 44757.

EPA now “solicits comments on whether other unlisted HRI measures should also be included as part of the BSER and added to the candidate technologies.” 83 Fed. Reg. at 44755 (Comment C-6). EPA also solicits comments on “whether any additional technologies should be added to the list, and “whether there is additional information that EPA should be aware of and consider in determining the BSER and establishing the candidate technologies for HRI measures.” *Id.* (Comment C-7).

CET urges EPA to consider combustion promoting catalysts, including CETALYST™, for inclusion in its list of candidate technologies for achieving HRIs. As discussed in the introduction to these comments, CETALYST™ allows coal-burning EGUs to significantly increase their operational efficiency, resulting in a reduction in the amount of coal required to generate the same kWh of power. This reduction in coal consumption directly translates to a reduction in each coal-burning EGU’s GHG emissions. CETALYST™ also results in reduced air emissions including carbon PM, NO_x, and SO₃, and results in cleaner, environmentally valuable fly ash that is a by-product of the coal-burning process.

EPA notes that heat rate (and HRIs) can be affected by a variety of design characteristics, site-specific factors, and operating conditions, including:

- Thermodynamic cycle of the boiler system;
- Boiler and steam turbine size, design;
- Cooling system type;
- Auxiliary equipment, including pollution controls;
- Operating and maintenance practices;
- *Fuel quality*; and
- Ambient conditions.

The Honorable Andrew Wheeler
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 October 31, 2018
 Page 6

83 Fed. Reg., at 44755 (emphasis added).

CET's CETALYST™ indirectly improves the fuel quality in coal-burning EGUs and is clearly a viable candidate for inclusion in EPA's candidate technologies, as discussed above. However, EPA does not include any fuel quality improving technologies in its approved candidate technologies in the Proposed ACE Rule. This omission is in direct contradiction to the EPA's acknowledgment that it is required by CAA section 111(a)(1) to determine the BSER "taking into account the cost" of the technology, and that "fuel costs can account for as much as 70 percent of production costs of power." 83 Fed. Reg. at 44758-44759. Further, EPA considers the ability of EGUs "to recoup *some* of the costs of HRIs through fuel savings" as indicative of that candidate technology's reasonableness for inclusion as an HRI under the Proposed ACE rule. *Id* (emphasis added).

CETALYST™ not only allows EGUs to recoup "some" of the costs of using the fuel-additive catalyst, but actually results in a net savings for EGUs. Clearly, CETALYST™ qualifies with the CAA section 111(a)(1)'s cost-reasonableness standard. Given that CETALYST™ is appropriate for use as a BSER candidate technology, CET urges EPA to further study combustion promoting catalysts, including CATALYST™, and then include combustion promoting catalysts as an approved candidate technology in any final ACE Rule.

B. CET's Comments on States' Implementation of BSER Guidelines

Under the Proposed ACE Rule, each state submits a plan to EPA that includes standards of performance for the covered sources in that state. The state plans must be based on consideration of the BSER determination EPA makes under CAA section 111(d)(1), which requires review of HRI potential, technical feasibility, and applicability for each of the BSER candidate technologies. However, EPA has clarified in the Proposed ACE Rule that "in light of the cooperative-federalist structure of section 111(d) and its express language requiring that EPA allow states to take into account source specific factors when establishing standards of performance for existing sources, EPA believes it is appropriate in this proposal to provide considerable flexibility for states to set standards of performance for units and also allow states to have considerable latitude for implementing measures and standards for affected EGUs." 83 Fed. Reg. at 44765. EPA elaborates that even after developing performance standards, "the state is free to give the source flexibility to meet that standard of performance using either BSER technologies or some other non-BSER technology or strategy." *Id*.

CET supports and applauds EPA's position that states should have substantial latitude in choosing implementing measures and standards for affected EGUs. EPA's interpretation is consistent with CAA section 111(d) and provides states the needed flexibility to consider other HRI technologies, such as CETALYST™ that are promising and effective at reducing GHG emissions. States (and regulated EGUs) should not be denied the opportunity to use cost-effective (or in the case of CETALYST™ cost-saving) technologies simply because they are not included on the BSER candidate technologies list. Whether or not EPA includes fuel-additives such as combustion promoting catalysts as approved BSER candidate technologies, CET encourages EPA to specifically clarify that such catalysts are acceptable technologies that states may consider under the Proposed ACE Rule as "other non-BSER technology or strategy."

The Honorable Andrew Wheeler
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C. CET's Comments on NSR

Under the Proposed ACE Rule, EPA is proposing to amend the NSR regulations to include an hourly emissions increase test that is designed to make it easier for EGUs to adopt heat rate improvements without triggering NSR obligations. 83 Fed. Reg. at 44780.

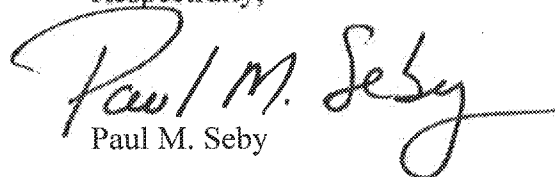
CET supports and applauds EPA's proposed revisions to the NSR permitting program in the Proposed ACE Rule. EGUs should not face barriers to adopting effective HRIs due to the costs and administrative burdens associated with NSR when those HRIs would otherwise result in hourly GHG reductions. CET also urges EPA to specifically clarify that fuel additives such as CETALYST™ and other combustion promoting catalysts are not considered a "modification" of existing EGUs under the NSR regulations. Allowing coal-burning EGUs to use fuel additives such as combustion promoting catalysts without triggering NSR will aid the CAA's goal of reducing GHG emissions by allowing EGUs to make cost-saving adjustments without incurring the cost- and time-prohibitive requirements of NSR.

IV. CONCLUSION

In conclusion, CET strongly supports EPA's proposed repeal of the CPP. In addition, and for the reasons set forth in these comments, CET also supports EPA moving promptly to finalize the Proposed ACE Rule consistent with CET's comments and suggestions herein. Doing so will result in greater cost-effective reductions in GHG emissions consistent with the CAA's intent. CET specifically urges EPA to expressly include combustion catalyst technologies such as CETALYST™ as acceptable candidate technologies appropriate for EGU-specific consideration by states when determining the performance standards called for in CAA section 111(d) and in the Proposed ACE Rule. Finally, CET urges EPA to clarify that EGU utilization of combustion catalyst technologies is not considered a "modification" under NSR regulations and the Proposed ACE Rule. Combustion catalyst technologies offer the opportunity for significant reductions in GHG emissions (and other emissions) in coal-burning EGUs, which can be achieved at a very low or net negative cost to EGUs.

If you have any questions, please contact Edward Kollin at ebkollin@comcast.net for technical issues, or John Kolojeski at jckolojeski@gmail.com regarding CET.

Respectfully,



Paul M. Seby

PS:sl

Law, Sue (Secy-Den-Env)

From: no-reply@regulations.gov
Sent: Wednesday, October 31, 2018 3:30 PM
To: Law, Sue (Secy-Den-Env)
Subject: Your Comment Submitted on Regulations.gov (ID: EPA-HQ-OAR-2017-0355-21117)



Please do not reply to this message. This email is from a notification only address that cannot accept incoming email.

Your comment was submitted successfully!

Comment Tracking Number: 1k2-96al-dww7

Your comment may be viewable on Regulations.gov once the agency has reviewed it. This process is dependent on agency public submission policies/procedures and processing times. Use your tracking number to find out the status of your comment.

Agency: Environmental Protection Agency (EPA)

Document Type: Rulemaking

Title: Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units: Emission Guideline Implementing Regulations; New Source Review Program

Document ID: EPA-HQ-OAR-2017-0355-21117

Comment:

Comments of Combustion and Emissions Technologies, LLC. Please see attached file.

Uploaded File(s):

- Combustion and Emissions Technologies, LLC, Comments on EPA-HQ-OAR-2017-0355-21117.pdf

For further information about the Regulations.gov commenting process, please visit

<https://www.regulations.gov/faqs>.

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 12/4/2018 4:30:58 PM
To: Paul Bailey [pbailey@americaspower.org]
Subject: RE: Speaking Engagement

Paul,

I'd be delighted to speak to your committee on the 13th, provided that a mutually agreeable time that day can be arranged and, of course, assuming that the makeup of the panel and/or the expected attendees/invitees do not present any recusal issues for me.

Feel free either to call me on my cell phone (202-424-0212) or, if more convenient, you can email me with more details. Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, December 4, 2018 10:25 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: Speaking Engagement

David –

One of our major committees is meeting on the 13th. We're putting together a panel to discuss ACE/NSR. If you're available and interested, I'd like to chat with you.

Thanks,

Paul

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org



Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 1/30/2019 5:59:21 PM
To: Paul Bailey [pbailey@americaspower.org]
CC: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]
Subject: Re: Update NARUC

Paul,

You should feel free to reach out to Clint on this, as I'm confident he'd be able to bring more value to this group than I could. I can't speak to his availability — I believe he may be on leave today, whereas I am on travel — but I'll take the liberty of "volunteering" him as a potential participant.

Sent from my iPhone

On Jan 30, 2019, at 11:46 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Just found out that it's Tuesday the 12th 10:45-11:45.

From: Paul Bailey
Sent: Wednesday, January 30, 2019 11:28 AM
To: Harlow, David <harlow.david@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; 'Atkinson, Emily' <Atkinson.Emily@epa.gov>
Subject: NARUC mtg Feb 11 (Monday)

David –

I'm speaking on a panel at a big NARUC mtg (utility commissioners) regarding the ACE rule. I've been asked to invited someone from EPA. The mtg is in DC, but that's all the detail I have at the moment. Proving that no good deed goes unpunished (i.e., you've graciously agreed to speak to us on Feb 21), would you be interested and available for the NARUC panel? If not, I'll reach out to Clint or Mandy.

Thanks,

Paul

From: Atkinson, Emily <Atkinson.Emily@epa.gov>
Sent: Wednesday, January 30, 2019 10:59 AM
To: Paul Bailey <pbailey@americaspower.org>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Meeting Feb 21

Hi Paul,

I am adding in Isabel DeLuca.

Please send us details of the event, location and the start/end times for the panel, and we will get this on David's calendar.

Thank you.
Emily

Emily Atkinson
Special Assistant
Management Analyst
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406E, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Monday, January 28, 2019 7:56 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Re: Meeting Feb 21

Excellent. Traveling right now but will follow up Wednesday
Paul

Sent from my iPhone

On Jan 28, 2019, at 4:28 PM, Harlow, David <harlow.david@epa.gov> wrote:

Paul,

Please forgive my considerable delay in getting back to you, but as I imagine your gathered from the "auto-reply" you should have received in response to your email of January 15, my being a lawyer (even a politically-appointed one) did not confer on me the status of being "essential" – nor should it have, of course! – and so I was on furlough from December 28 until now.

Assuming the offer still stands, I would be pleased to come speak to your group on the afternoon of February 21. To get this logged on our books, so to speak, if you would be so good as to contact Emily Atkinson with a "formal" request as to date, time, and place, she'll get that locked in on my calendar. Emily, as you may know, is our office manager,

and she keeps our calendars and keeps us organized in that regard.

You and I can, thereafter, confer informally about the subjects for discussion, etc.

Thank you.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, January 15, 2019 2:26 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: Meeting Feb 21

David –

Would you be available to talk to our Policy & Strategy Committee the afternoon of Thursday, Feb. 21? If so, we can chat about topics of interest.

Thanks,

Paul

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 2/20/2019 2:01:30 PM
To: Paul Bailey [pbailey@americaspower.org]
Subject: RE: Voicemail

Paul,

Thank you! While the feds are technically closed today, I figured that if I left this a.m. at my regular time, I'd be able to get in ahead of the weather (which proved to be the case).

Meanwhile, I'm delighted to see that Elizbeth Horner is scheduled to be there tomorrow right after me. Elizabeth, as you may be aware, is a former colleague of mine, and we'd recently been meaning to get together. Synchronicity.

See you tomorrow.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Wednesday, February 20, 2019 8:52 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: RE: Voicemail

Hope the weather is kind to you. Look forward to seeing you Thursday. Attached is the final agenda. Please let me know if you have any questions or needs.
Paul

From: Harlow, David <harlow.david@epa.gov>
Sent: Tuesday, February 19, 2019 7:13 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Voicemail

Paul,

Thank you very much for your voicemail. I think I've got a pretty good picture of what your folks are looking for, and I'm perfectly comfortable with what you outlined. Both the ACE rule and our NSR improvement/reform efforts are among the things I've been involved in most recently, so I should be able to pass along useful (or, at a minimum, timely!) information along those lines.

I'm not sure what the latest is on our supposed snow storm; because of where I live (northwestern Montgomery County, Maryland), I suppose it is possible I may not make it in if conditions are bad enough. But it is my intention to try to make it in, as we've got plenty to do here at the moment. In any event, you needn't call me back tomorrow unless you are otherwise inclined. I believe I have enough to be going on with.

I look forward to seeing you and your folks on Thursday.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 2/20/2019 12:13:16 AM
To: Paul Bailey [pbailey@americaspower.org]
Subject: Voicemail

Paul,

Thank you very much for your voicemail. I think I've got a pretty good picture of what your folks are looking for, and I'm perfectly comfortable with what you outlined. Both the ACE rule and our NSR improvement/reform efforts are among the things I've been involved in most recently, so I should be able to pass along useful (or, at a minimum, timely!) information along those lines.

I'm not sure what the latest is on our supposed snow storm; because of where I live (northwestern Montgomery County, Maryland), I suppose it is possible I may not make it in if conditions are bad enough. But it is my intention to try to make it in, as we've got plenty to do here at the moment. In any event, you needn't call me back tomorrow unless you are otherwise inclined. I believe I have enough to be going on with.

I look forward to seeing you and your folks on Thursday.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 12/6/2018 1:29:14 PM
To: Paul Bailey [pbailey@americaspower.org]
Subject: RE: Speaking Engagement

Paul,

My apologies for not getting back to you yesterday, but with the office here officially closed, I thought it best to keep a low profile in terms of outward bound emails, etc.

Meanwhile, I believe that Reid will be happy to take up my slack. You and your colleagues will surely find that he is able to speak more knowledgeably about the proposed ACE rule than could I, as he's been involved in the thick of the NPRM's development.

For my part, again, I appreciate the invitation and do look forward to having an opportunity to address your group at some future date.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Wednesday, December 5, 2018 9:27 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: RE: Speaking Engagement

David –

I'm sorry this isn't working out to have you on the panel. We'd like to have you come to our meeting Q1 next year, but we don't have a date yet. Is there anyone else from EPA who could participate? Mandy and Clint have both spoken to ACCCE before. Someone mentioned Reid (sp?) Harvey's name to me. It would be helpful to have someone from EPA talk about how they see states implementing ACE, even though it's still a proposal. Any other suggestions?

Thanks,
Paul

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

From: Harlow, David <harlow.david@epa.gov>
Sent: Tuesday, December 04, 2018 6:09 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: RE: Speaking Engagement

Paul,

I appreciate the additional information. As it happens, while I had a window of availability in the mid-afternoon on the 13th, now that I've scrutinized my calendar with some care, it turns out that my morning (and up through lunch) that day is pretty much booked (or, "shot," depending on how one wants to look at it . . .) already, with some staff briefings that, I'm afraid, I'm not at liberty to skip, given their subject matter.

I certainly would not propose that you reorder your meeting schedule on my account; as busy as things seem to be around here at this time of year, as people try to get meetings and briefings scheduled prior to the holidays, etc., it's as likely as not that that aforementioned window of availability in the afternoon will itself be shut by the time this week is ended!

Still, if there remains some possibility of my meeting with your group, either this time around or at some future occasion, I would be pleased to do so.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>
Sent: Tuesday, December 4, 2018 11:57 AM

To: Harlow, David <harlow.david@epa.gov>

Subject: Re: Speaking Engagement

Excellent. I'm traveling right now but can call late this afternoon. In the meantime, the panel is tentatively scheduled for 10:00-11:00.

Sent from my iPhone

On Dec 4, 2018, at 11:31 AM, Harlow, David <harlow.david@epa.gov> wrote:

Paul,

I'd be delighted to speak to your committee on the 13th, provided that a mutually agreeable time that day can be arranged and, of course, assuming that the makeup of the panel and/or the expected attendees/invitees do not present any recusal issues for me.

Feel free either to call me on my cell phone (202-424-0212) or, if more convenient, you can email me with more details. Thank you!

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Paul Bailey <pbailey@americaspower.org>

Sent: Tuesday, December 4, 2018 10:25 AM

To: Harlow, David <harlow.david@epa.gov>

Subject: Speaking Engagement

David –

One of our major committees is meeting on the 13th. We're putting together a panel to discuss ACE/NSR. If you're available and interested, I'd like to chat with you.

Thanks,

Paul

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

<image001.png>

Message

From: Bond, Alexander [ABond@eei.org]
Sent: 10/31/2018 8:16:17 PM
To: Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]
CC: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Tsirigotis, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c179f3ccb4fadb48e3ae85563f132-PTSIRIGO]; Hutson, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7e6dc331d174798a3a269070576d896-Hutson, Nick]
Subject: EEI Comments on Affordable Clean Energy Rule
Attachments: AffordableCleanEnergyRule_EEIComments_EPA-HQ-OAR-2017-0355.pdf; 111d-ACErule_EEIComments_Appendix A.pdf; 111d-ACErule_EEIComments_Appendix B.pdf

The Edison Electric Institute (EEI) appreciates the opportunity to provide the attached comments to the U.S. Environmental Protection Agency (EPA) regarding the proposed Affordable Clean Energy (ACE) rule. 83 *Fed. Reg.* 44,746 (Aug. 31, 2018). EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States.

EEI's comments focus on the power sector's continued transition to cleaner sources of energy, and the necessity, both from a legal and operational perspective, that any final section 111(d) guidelines take into account the ongoing clean energy transition by providing states and sources with significant flexibility when determining compliance measures. EEI members are committed to this customer-focused transition, investing significant capital in the energy grid to make it smarter, cleaner, more dynamic, more flexible and more secure in order to integrate additional distributed energy resources and deliver a balanced mix of resources to customers.

EPA must provide states with flexibility in establishing compliance plans with any final section 111(d) guidelines in order to facilitate the clean energy transition, and should encourage states to use whatever flexibilities best address state and local technical and operational factors. If you have any questions about these comments, please contact Alex Bond (abond@eei.org; 202-508-5523) or Eric Holdsworth ([Ex. 6 Personal Privacy \(PP\)](#))

Thanks!

--

Alex Bond
 Associate General Counsel, Energy & Environment
 701 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004-2696
 202-508-5523
www.eei.org

Follow EEI on [Twitter](#), [Facebook](#), and [YouTube](#).



EEI Member Company GHG Reduction Goals (10-17-18)

COMPANY	GOAL
<u>AEP</u> (February 2018)	<ul style="list-style-type: none"> 60% below 2000 levels by 2030 80% below 2000 levels by 2050
<u>AES</u> (April 2018)	<ul style="list-style-type: none"> Reduce carbon intensity 50% from 2016 to 2030
<u>Alliant</u> (August 2018)	<ul style="list-style-type: none"> 40% below 2005 by 2030 80% below 2005 by 2050
<u>Ameren</u> (September 2017)	<ul style="list-style-type: none"> 35% below 2005 levels by 2030 50% below 2005 levels by 2040 80% below 2005 levels by 2050
<u>AVANGRID</u> (2016)	<ul style="list-style-type: none"> Reduce CO₂ intensity 25% below 2015 levels by 2020 100% carbon neutral by 2035
<u>CMS Energy</u> (February 2018)	<ul style="list-style-type: none"> 80% by 2040
<u>Dominion</u> (March 2018)	<ul style="list-style-type: none"> Reduce carbon intensity 50% below 2000 levels by 2030
<u>DTE Energy</u> (May 2017)	<ul style="list-style-type: none"> 30% below 2005 levels by the early 2020s 45% below 2005 levels by 2030 75% below 2005 levels by 2040 More than 80% below 2005 levels by 2050
<u>Duke Energy</u> (March 2017)	<ul style="list-style-type: none"> 40% below 2005 levels by 2030
<u>Entergy</u>	<ul style="list-style-type: none"> 20% below 2000 levels through 2020
<u>Exelon #</u> (2018)	<ul style="list-style-type: none"> Additional 15% below 2015 levels by 2022 (operations-driven emissions)
<u>FirstEnergy</u>	<ul style="list-style-type: none"> 90% below 2005 levels by 2045
<u>Green Mountain Power</u> (January 2018)	<ul style="list-style-type: none"> Eliminate >8,000 metric tons of CO₂/year for next 20 years
<u>Idaho Power</u> (May 2017)	<ul style="list-style-type: none"> Reduce CO₂ intensity 15%-20% below 2005 levels through 2020
<u>Madison Gas & Electric</u> (November 2015)	<ul style="list-style-type: none"> 40% below 2005 levels by 2030 80% below 2005 levels by 2050
<u>Minnesota Power</u>	<ul style="list-style-type: none"> 30% below 2005 levels by 2025
<u>Montana-Dakota Utilities</u> (2017)	<ul style="list-style-type: none"> Reduce GHG intensity 45% below 2005 levels by 2030

As of 2017, company had reduced CO₂ emissions rate to 108 lbs./MWh.

COMPANY	GOAL
<u>National Grid</u> (June 2018)	<ul style="list-style-type: none"> 45% below 1990 levels by 2020 70% below 1990 levels by 2030 80% below 1990 levels by 2050
<u>NextEra</u> (September 2018)	<ul style="list-style-type: none"> Reduce CO₂ emissions rate >65% below 2001 levels by 2021
<u>NiSource</u> (May 2017)	<ul style="list-style-type: none"> 50% below 2005 levels by 2025
<u>PG&E</u> (July 2018)	<ul style="list-style-type: none"> Reduce 1 million tons of GHGs from company operations through 2022
<u>Pinnacle West</u> (2017)	<ul style="list-style-type: none"> Reduce CO₂ emissions rate to <600 lbs./MWh by 2032
<u>PNM Resources</u> (April 2017)	<ul style="list-style-type: none"> 40% below 2012 levels by 2018 60% below 2012 levels by 2030 87% below 2012 levels by 2040
<u>Portland General Electric</u> (February 2018)	<ul style="list-style-type: none"> More than 80% below 2010 levels by 2050
<u>PPL</u> (January 2018)	<ul style="list-style-type: none"> 70% below 2010 levels by 2050
<u>PSEG</u> (February 2018)	<ul style="list-style-type: none"> Additional 13 million tons of CO₂-e emissions by 2030 from 2005 levels
<u>Puget Sound Energy</u> (December 2017)	<ul style="list-style-type: none"> Reduce carbon footprint 50% by 2040
<u>Southern California Edison *</u> (October 2017)	<ul style="list-style-type: none"> 40% below 1990 levels by 2030 80% below 1990 levels by 2050
<u>Southern Company</u> (April 2018)	<ul style="list-style-type: none"> 50% below 2007 levels by 2030 Low- to no-carbon operations by 2050
<u>TVA</u>	<ul style="list-style-type: none"> 60% below 2005 levels by 2020 75% below 2005 levels by 2030
<u>Vectren</u> (2016)	<ul style="list-style-type: none"> ~60% below 2005 levels by 2024
<u>WEC Energy Group</u> (August 2018)	<ul style="list-style-type: none"> 40% below 2005 levels by 2030 80% below 2005 by 2050
<u>Xcel Energy</u> (2016)	<ul style="list-style-type: none"> 60% below 2005 levels by 2030

* Reflects or is in line with state-wide, economy-wide GHG reduction targets.

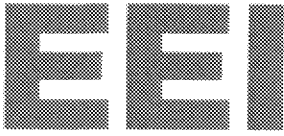
A Summary of Recent PSD Permits for NGCC Plants – Applicable GHG Limits and Listed Emission Rates

Sources Cited by EPA	Source Type	Date Permit Issued	GHG BACT Limits	Other Applicable GHG Limits
Pioneer Valley, MA	New NGCC	04/12/2012	895 lbs of CO ₂ e/MWh on a 365-day rolling average	
CPV Woodbridge Energy Center, NJ	New NGCC		925 lbs/MWh CO ₂ #	
Newark Energy Center, NJ	New NGCC		887 lbs/MWh CO ₂ (gross output) ¹	2,000,268 tpy CO ₂ e; 7,522 Btu/kWh heat rate
CPV Valley Energy Center, NY	New NGCC	07/25/2013	7,605 Btu/kWh and thermal efficiency of 57.4%	925 lbs/MWh CO ₂ (state requirement)
Wolverine Sumpter Power Plant, MI	Modify existing CT into combined-cycle CT		954 lbs/MWh CO ₂ e gross energy output on a 12-month rolling avg.	
LCRA, TX	New NGCC	11/10/2011	0.459 Ton CO ₂ e/MWh (net) on 365-day rolling average (918 lb/MWh)	7,720 btu/kwh on 365-day rolling average; 908,958 tpy CO ₂ e/turbine
Pacificorp Lakeside Phase II, UT	New NGCC	05/04/2011	950 lbs/MWh CO ₂ e (gross) on 12-month rolling average ²	
FPL – Port Everglades, FL	New NGCC	12/27/2013	877 lbs/MWh CO ₂ e (either fuel) (applicant proposed)	830 lbs/MWh CO ₂ e on a 12-month rolling average (natural gas firing)
Palmdale Hybrid Power Plant, CA	New NGCC with Solar	10/18/2011	774 lbs/MWh CO ₂ net output and 7,319 Btu/kWh (365-day rolling)	1,913,000 tpy CO ₂ e
Cricket Valley Energy, NY	New NGCC	09/27/2012	7,605 Btu/kWh and thermal efficiency of 57.4%	3,576,943 tpy CO ₂ e (3 units combined); 120 lb CO ₂ /mmBtu of input (state requirement)
Garrison Energy, DE	New NGCC		7,717 Btu/kWh and 1,006,304 tpy CO ₂ e#	
Recently Permitted Sources Not Included in EPA data				
Riverton Power Station, KS	Modify existing CT into combined-cycle CT	07/11/2013	1,021,770 tons CO ₂ /yr on 12-month rolling basis	
La Paloma Energy Center, TX	New NGCC	11/06/2013	909.2 - 934.5 lbs/MWh CO ₂ (gross) depending on turbine selected	
TECO - Polk Power, FL	New NGCC	01/18/2014	877 lbs/MWh CO ₂ e on a 12-month rolling average	Excludes CT loads less than 50% of design capacity
Oregon Energy Center	New NGCC	06/18/2013	318,404 lb/hr CO ₂ e and 1,394,611 tpy CO ₂ e (rolling 12-month period)	
Sevier Power Company Power Plant, UT	New NGCC	10/25/2012	1,958,552.1 MT CO ₂ e per rolling 12-month period	Initial BACT analysis recommended GHG limit of 1,100 lb CO ₂ e/MWh
Cheyenne Prairie Generating Station, WY	New NGCC	09/27/2012	1,100 lbs/MWh CO ₂ e (gross) and 187,318 tpy CO ₂ e/turbine	

– Information shown is based on data in EPA chart, which was unable to be independently verified.

¹ – EPA chart lists standard as 879 lbs/MWh CO₂; draft permit (09/13/2012) lists 887 lb standard and other limits shown

² – Limit included solely at request of applicant; "adds no value" since based on potential to emit (UT DEQ)



**Edison Electric
INSTITUTE**

Quinlan J. Shea, III
Vice President, Environment & Natural Resources

October 31, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

The Edison Electric Institute (EEI) appreciates the opportunity to provide the attached comments to the U.S. Environmental Protection Agency (EPA) regarding the proposed Affordable Clean Energy (ACE) rule (Docket No. EPA-HQ-OAR-2017-0355). 83 *Fed. Reg.* 44,746 (Aug. 31, 2018).

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States.

EEI's comments focus on the power sector's continued transition to cleaner sources of energy, and the necessity, both from a legal and operational perspective, that any final section 111(d) guidelines take into account the ongoing clean energy transition by providing states and sources with significant flexibility when determining compliance measures. EEI members are committed to this customer-focused transition, investing significant capital in the energy grid to make it smarter, cleaner, more dynamic, more flexible and more secure in order to integrate additional distributed energy resources and deliver a balanced mix of resources to customers.

EPA must provide states with flexibility in establishing compliance plans with any final section 111(d) guidelines to facilitate the clean energy transition, and should encourage states to use whatever flexibilities best address technical and operational factors. If you have questions about these comments, please contact Alex Bond (abond@eei.org; 202-508-5523) or Eric Holdsworth (eholdsworth@eei.org; 202-508-5103).

Sincerely,

A handwritten signature in black ink, appearing to read 'QJ Shea', is written over a dark, textured rectangular background. Below the signature, the name 'Quinlan J. Shea, III' is printed in a serif font.

Quinlan J. Shea, III

cc: Bill Wehrum, Assistant Administrator, Office of Air and Radiation
Mandy Gunasekara, Deputy Assistant Administrator, Office of Air and Radiation
Ryan Jackson, Chief of Staff, Office of the Administrator
Peter Tsirigotis, Director, Office of Air Quality Planning and Standards
Dr. Nick Hutson, Energy Strategies Group

Attachments

**COMMENTS OF THE EDISON ELECTRIC INSTITUTE
ON THE ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED
EMISSION GUIDELINES FOR GREENHOUSE GAS EMISSIONS
FROM EXISTING ELECTRIC GENERATING UNITS; REVISIONS TO EMISSIONS
GUIDELINE IMPLEMENTING REGULATIONS;
REVISIONS TO NEW SOURCE REVIEW PROGRAM**

EPA-HQ-OAR-2017-0355

October 31, 2018

The Environmental Protection Agency (EPA or Agency) proposes three separate actions that have implications for existing coal-based and other electric generating units (EGUs or units): 1) replacement of the Clean Power Plan (CPP) with the Affordable Clean Energy (ACE) rule to address greenhouse gas (GHG) emissions under Clean Air Act (CAA or Act) section 111(d); 2) corresponding clarifications of the existing section 111(d) implementing regulations as well as new section 111(d) implementing regulations; and 3) amendment of the New Source Review (NSR) regulations to include an hourly emissions increase test for EGUs. 83 *Fed. Reg.* 44,746 (Aug. 31, 2018).

The Edison Electric Institute (EEI) is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than seven million jobs in communities across the United States. EEI members own and operate coal-based EGUs that would be regulated under ACE, as well as other EGUs that work in tandem with these affected units to provide affordable, reliable electricity to customers. EEI members also would be affected by changes to the section 111(d) implementing regulations and the proposed changes to the NSR regulations.

Driven by a number of factors—including customer demands, technology developments, and federal and state regulatory obligations—the electric sector is undergoing a transition that will continue over the next decade and beyond. Concurrent with this transition, EEI member companies are investing significant amounts of capital—more than 113 billion dollars in 2017 alone—to make the energy grid smarter, cleaner, more dynamic, more flexible, and more secure in order to integrate and deliver a balanced mix of resources from both central and distributed energy resources to customers. The electric sector continues to invest in a range of 24/7 energy sources and other technologies, so that the sector can reduce GHG emissions faster, and bring the benefits of clean, reliable, and affordable energy to everyone.

This transformation has technical and operational impacts across the power sector, driving concerns about the implementation of EPA’s three proposed actions, particularly the development, implementation and enforcement of unit-specific GHG performance standards and compliance plans by the states. EPA must consider this transformation if the Agency finalizes these proposals and provide EGU owners and operators and states significant compliance flexibility, consistent with the requirements of the Act.¹ Failure to provide such flexibility has the potential to undermine not only the clean energy transition by increasing costs for electricity

¹ EPA asserts that the Agency “proposes *possibly* to replace the CPP” with the ACE rule. *See* 83 *Fed. Reg.* at 44,748 (emphasis added). EPA also notes that the three proposals are “appropriate policies in their own right and on their own terms” and “would be severable...on judicial review” and seeks comments as to whether to finalize the NSR revisions, in particular, in a separate action. *See id.* at 44,783. In these comments, the discussion of these three proposals and their possible finalization in some future action, EEI is not taking a position on these issues. The desirability of finalizing the proposed NSR revisions in a separate action are discussed in more detail in section VI(C), *infra*.

customers, but also EPA's proposed ACE rule itself, by increasing the economic burdens imposed on the remaining existing coal-based EGU fleet.

I. Executive Summary.

EEI's comments on the proposed ACE rule, the proposed clarifications and changes to the CAA section 111(d) implementing regulations and the proposed amendment of the NSR program are focused on two areas: 1) the power sector's continued transition to cleaner sources of energy; and 2) the necessity, both from a legal and operational perspective, that any final CAA section 111(d) guidelines take into account the ongoing clean energy transition by providing states and sources with significant flexibility when determining compliance measures. EEI's comments center on the importance of ensuring a wide range of compliance options and the role of states in designing standards of performance and implementing state plans.

Electric companies are committed to delivering clean energy to customers and are leading the clean energy transition. EEI members are investing significant capital in the energy grid to make it smarter, cleaner, more dynamic, more flexible and more secure to allow for the integration of additional distributed resources into the balance mix of resources they deliver. As a result, total power sector GHG emissions were 28 percent below 2005 levels at the end of 2017 and are projected to continue to decrease into the next decade.² These expected future reductions are bolstered by voluntary emissions reductions commitments offered by more than 30 of EEI's member companies, many of which pledge to reduce GHG emissions by 80 percent or more

² See EIA, *Monthly Energy Review*, Table 7.2b (Oct. 2018), https://www.eia.gov/totalenergy/data/monthly/pdf/sec7_6.pdf.

below 2005 levels by 2050, and/or contain significant reductions pledged for 2030 and 2040 as well.³ These reductions are driven by a range of factors, including the historically low price of natural gas, the declining costs of renewable generation, customer preferences and other regulatory requirements. While the CPP was stayed by the Supreme Court in 2016, the power sector will have complied with the final 2030 goals of the rule—in terms of gross emissions reductions—before the 2022 start date included in that program.

Given this fleet transition, it is therefore important to provide not only states with flexibility to develop emissions standards of performance, but also significant flexibility to states and sources in establishing compliance plans for affected units. EPA should take into consideration important operational and technical realities of EGU operation, such as the variability of each unit's emissions and the degradation of heat rate improvements (HRI) over time, when determining its approach to the range of compliance options that states can include in plans. In addition, the Agency should provide more detailed, but not prescriptive, guidance to states on how to set standards and support compliance flexibility. Importantly, EPA should make clear that the Agency is not dictating that states must use a particular compliance mechanism, and that EPA is not preemptively determining that any potential flexibilities for compliance are invalid, including averaging, trading, and altering the form of the standard. Failure to provide such compliance flexibility to states has the potential to undermine the on-going clean energy transition by increasing the cost of electricity for customers and increasing economic burdens on the existing coal-based fleet.

³ See Appendix A, which lists these voluntary public commitments.

Additionally, EPA should clarify the applicability of the proposed ACE rule, as well as certain parts of the alterations to the implementing regulations.

II. Electric Power Companies Continue to Lead the Clean Energy Transition.

The electric power industry is in the middle of a profound, long-term transformation in how electricity is generated, transmitted, and used. This transformation is being driven by a wide range of factors, including: declining costs for natural gas and renewable energy resources, technological improvements, changing customer expectations, various federal and state regulations and policies, and the growth of distributed energy resources.

Customers throughout the country believe that the way energy is used and produced is changing, and they want more control over the energy they use. Customers are excited about innovation and are paying attention to what is coming next. Most importantly, they expect our industry to be at the center of change and to deliver the energy future they want, in ways that enhance reliability and affordability. To meet customers' changing needs, the electric power industry is transitioning to cleaner generation sources and leading the way on renewables and next-generation nuclear power, while ensuring that existing clean energy resources are available now and in the future.

Electric companies are focused on leading this clean energy transition on a fleetwide basis and doing it in an affordable way that maintains system reliability. Based on data from the Department of Energy's Energy Information Administration (EIA) and adjusting for inflation using the Consumer Price Index (CPI), the average price of electricity (in real 2005 \$) was 8.6

cents per kWh in 2007 and 8.4 cents per kWh in 2017.⁴ This transition can power the country in a way that is good for our economy, good for our health and the environment, and responsive to the needs of our customers for reliable, affordable, and increasingly clean energy sources.

A. Electric Companies Are Committed to Clean Energy for Customers.

As noted above, more than 30 EEI member companies have announced a variety of short-, mid- and long-term GHG reduction goals over the coming decades, many of which pledge to reduce GHG emissions by 80 percent or more below 2005 levels by 2050, and/or contain significant reductions pledged for 2030 and 2040 as well.⁵ Since 2014, more than half of the industry's investments in new electricity generation have been in wind and solar generation resources. As a result, the use of renewable energy to generate electricity is projected to almost quadruple between 2010 and 2040 even without additional policy intervention.⁶ In addition, the industry is building smarter energy infrastructure, and these investments are creating additional jobs and making the energy grid more dynamic and more secure for all customers. Electric power companies also are investing in energy efficiency and providing customers the energy solutions they want, while partnering with leading innovative companies and start-ups to shape the future using technology. Thus, this transition is poised to continue going forward.

⁴ EEI internal analysis based on EIA's *Electric Power Annual 2017*, Table 2.4 (Oct. 2018), <https://www.eia.gov/electricity/annual/pdf/epa.pdf>. Note that information on retail electricity prices in nominal dollars can be found in table 2.4 and that information on the CPI is provided by the Bureau of Labor Statistics, <https://data.bls.gov/pdq/SurveyOutputServlet>.

⁵ See Appendix A.

⁶ See EIA, *Today in Energy, Nearly half of utility-scale capacity installed in 2017 came from renewables* (Jan. 10, 2018), <https://www.eia.gov/todayinenergy/detail.php?id=34472>.

B. GHG and Criteria Pollutant Emissions Have Declined Considerably and Electric Companies Have Significantly Increased Deployment of Clean Energy Technologies; the Proposed Rule Does Not Assist This Transition.

The mix of resources used to generate electricity in the United States has changed dramatically over the last decade and is increasingly clean. Natural gas surpassed coal as the main source of electricity generation in the United States for the second year in a row in 2017, with natural gas-based generation powering 32 percent of the country's electricity, compared to coal-based generation at 30 percent.⁷

In addition, according to the EIA, today more than one-third of U.S. electricity comes from zero-carbon energy sources, including nuclear energy, hydropower and other renewables.⁸ The electric power industry is leading the development of zero-carbon energy sources, including renewable energy. For example, the industry provides virtually all the wind, geothermal, and hydropower electricity—and, electric companies own 62 percent of all solar capacity—in the country.⁹ Our universal (or large-scale) solar projects accounted for 59 percent of installed capacity in 2017.¹⁰ The industry is also leading the way on energy storage and uses or contracts for more than 90 percent of all storage.

⁷ See EIA, *Electricity Explained: Electricity in the United States* (Apr. 2018), https://www.eia.gov/energyexplained/index.php?page=electricity_in_the_united_states.

⁸ See EIA, n.2, *supra*.

⁹ See Solar Energy Industries Association, Wood Mackenzie, Limited: Solar Market Insight Report 2018 Q3, <https://www.seia.org/research-resources/solar-market-insight-report-2018-q3>.

¹⁰ See *Id.*

Driven by these changes, the power sector has significantly reduced its emissions. According to EIA, as of the end of 2017, power sector CO₂ emissions were 28 percent below 2005 levels.¹¹ Investor-owned electric companies alone have reduced emissions by 35 percent below 2005 levels as of the end of 2017,¹² essentially surpassing the nation-wide carbon dioxide (CO₂) reductions that EPA estimated would have been achieved by the CPP—now proposed for rescission—*four years before the CPP’s first compliance period was to begin*.

As a result of these reductions, the transportation sector surpassed the electric power sector as the leading domestic source of CO₂ emissions, starting in 2016. That trend continued in 2017, with the transportation sector emitting 37 percent of U.S. CO₂ emissions, while the power sector emitted 34 percent.¹³ As EPA notes in the proposed rule, the cumulative effect of these on-going changes is a reduction in the projected share of CO₂ emissions from electric generators, even without the CPP. “In other words, these declining emission trends have continued to develop even in the absence of implementation of the CPP.” 83 *Fed. Reg.* at 44,751.¹⁴

¹¹ See EIA, n. 2 at Table 12.6, *supra*,
https://www.eia.gov/totalenergy/data/monthly/pdf/sec12_9.pdf.

¹² Based on an EEI analysis of CO₂ emissions data from ABB Velocity Suite.

¹³ See EIA, n.2, *supra*, at Tables 12.1, 12.5, and 12.6,
https://www.eia.gov/totalenergy/data/monthly/pdf/sec12_3.pdf;
https://www.eia.gov/totalenergy/data/monthly/pdf/sec12_8.pdf; and,
https://www.eia.gov/totalenergy/data/monthly/pdf/sec12_9.pdf.

¹⁴ In addition to CO₂ reductions, between 1990 and 2017, power sector emissions of nitrogen oxides (NO_x) were cut by 84 percent and sulfur dioxide (SO₂) emissions by 92 percent—a period when electricity use grew by 35 percent, helping to reduce ozone, particulate matter and haze. Data compiled from EIA, EPA, and the U.S. Bureau of Economic Analysis.

EPA had previously estimated that the CPP would lead to an average reduction of GHG emissions of 32 percent below 2005 levels by 2030.¹⁵ In the Regulatory Impact Analysis (RIA) accompanying the ACE proposal, EPA estimates that this proposed rule will lead to some additional reductions when compared to the repeal of the CPP. “Relative to a projected future without CPP, the illustrative policy scenarios are projected to result in an annual CO₂ emissions decrease of, at most, two percent in 2025-2035. Additionally, EPA projects a 2030 CO₂ emissions decrease of 35 percent below 2005 levels for the base case (CPP) and 33 percent below 2005 levels for each of the illustrative policy scenarios under the ACE proposal.” RIA at 3-14. Similarly, EPA has indicated that its analysis for the ACE Rule suggests “that, when states have fully implemented the ACE rule, U.S. power sector CO₂ emissions could be around 34 [percent] below 2005 levels.”¹⁶ However, those projected reductions have largely already been achieved due to the on-going fleet transition described above.

The CO₂ emissions reductions achieved by the power sector have occurred as the result of a range of different, and occasionally overlapping, reasons. According to the EIA, two basic contributing factors that led to the cumulative reduction of more than 3,800 million metric tons of CO₂ over the last decade were “the substitution of coal-fired generation with the less-carbon-intensive and more efficient combined-cycle natural gas-fired generation and the growth in non-carbon electricity generation, especially from wind and solar.”¹⁷ Factors cited in an analysis

¹⁵ EPA, *Clean Power Plan Fact Sheet* (Aug. 2015), <https://archive.epa.gov/epa/cleanpowerplan/fact-sheet-clean-power-plan-numbers.html#print>.

¹⁶ EPA, Fact Sheet: Proposed ACE Rule – CO₂ Emissions Trends.

¹⁷ See EIA, *U.S. Energy-Related Carbon Dioxide Emissions, 2017*, at 12 (Sept. 2018).

published by The Energy Collective Group include coal-to-natural gas fuel switching, natural gas-to-wind and solar power displacement, increased generation from renewable generation and reduced demand for net generation.¹⁸ EPA itself acknowledges this in the proposed rule when noting that “all of these trends, in total, are expected to result in declining power sector CO₂ emissions.” 83 *Fed. Reg.* at 44,751.

III. EPA’s Proposed BSER Necessitates That States Be Provided Significant Flexibility In Establishing Emissions Standards And Compliance Plans For Existing Coal-Based EGUs.

EPA proposes to identify HRI as the Best System of Emission Reduction (BSER) for existing steam generating fossil fuel-fired EGUs, which are measures that can be applied at an affected unit. *See id.* at 44,748. EPA finds that this BSER is consistent both with the authority provided the Agency under CAA section 111(d) and with what is technically feasible and appropriate for affected coal-based generation. *See id.* at 44,749. Once EPA determines BSER, consistent with the requirements of CAA section 111(d)(1), states are to determine standards of performance for affected units. *See id.* at 44,755. According to EPA, “states have considerable flexibility in determining the emissions standards for units.” *Id.* at 44,763.

While EPA recognizes states’ considerable flexibility when setting performance standards for affected units, EPA’s proposed approach to the range of compliance options that states can provide affected units is too prescriptive: EPA proposes to limit compliance options for states and units to only those that can be applied and measured at the unit level in a very specific

¹⁸ *See* John Miller, The Energy Collective Group, *What Major Factors Reduced U.S. Power Sector Carbon Emissions 2007-2017?* (Feb. 2018), <https://www.energycentral.com/c/ec/what-major-factors-reduced-us-power-sector-carbon-emissions-2007-2017>.

form.¹⁹ *See id.* at 44,765. EPA must provide states and affected units with a broader range of compliance flexibilities. Specifically, EPA should decline to limit potential compliance flexibility in any final ACE rule. Instead, EPA should encourage states to use whatever flexibilities best address state and local technical and operational factors. EPA can evaluate these flexibilities in the context of its review of state plans.

A. EPA's BSER and Approach to Compliance Flexibility Ignores Important Technical Considerations and the Variability of Each EGU's Emissions.

In determining BSER, EPA proposes a menu of HRI projects that states must evaluate to determine an emission standard for an affected unit. In approaching BSER in this way, EPA explicitly recognizes unit variability, noting that each unit has unique characteristics that reflect that each was designed to meet local and regional electricity needs, and that geography, elevation, unit size, pollution controls, firing method and utilization rates are all factors that can affect the efficiency and performance of a unit. *See id.* at 44,755. However, while EPA's recognition of unit variability—the different factors that affect heat rate at a unit—and the diverse nature of the coal-based fleet is appropriate when setting BSER, in limiting compliance flexibility EPA fails to recognize the different heat rate/emissions rates that can be achieved by units over time and that the differences between units not only affect which HRI projects may be implemented at a unit, they also have significant effect on the actual emissions rates that these units can achieve.

¹⁹ EPA has proposed to allow source-wide averaging, which is consistent with the source-specific BSER.

Put simply, emissions rates vary considerably over time. Further, HRI degrade over time, creating another level of emissions rate variability.²⁰ These factors may make it difficult for states to establish an emissions standard for an affected unit that can be achieved continuously.

1. Heat Rates Are Not Consistent Over Any Given 24-Hour Period Due to Load Following.

One of the most important factors affecting heat rate is the ramping up and down of a unit in response to load fluctuations. In general, units achieve lower emissions rates at higher and more constant capacity factors. The more fluctuations in generation output, the more fluctuations there will be in emissions performance.²¹ While many coal-based units were intended to operate as baseload units, with high and steady capacity factors, the dynamics of the generation mix are changing this. As EEI has pointed out to the Agency in previous comments, many coal units are operating in a load-following role due to the increase of renewable generation and natural gas generation on the system.²² The increase in load-following behavior has resulted in capacity

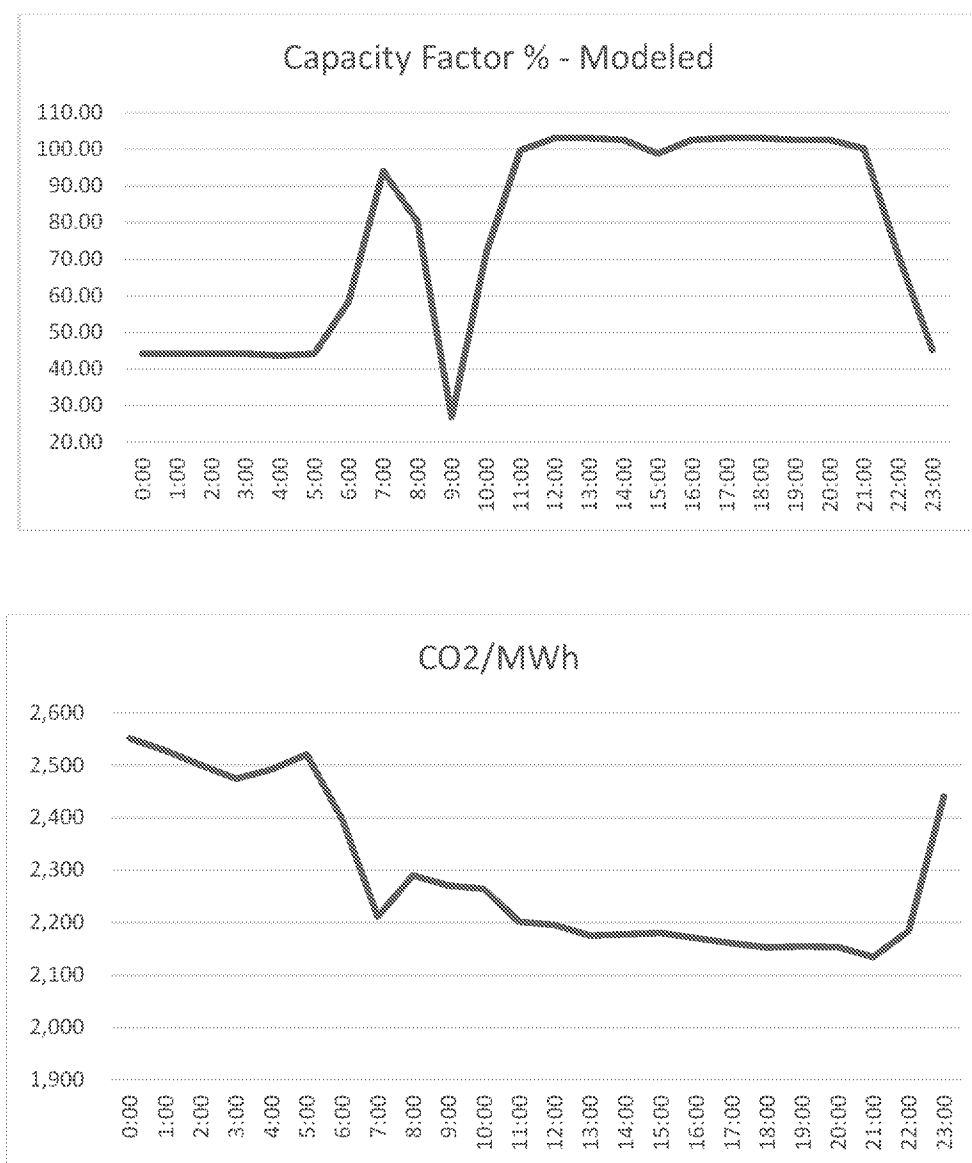
²⁰ It is even possible that a unit may experience higher average emissions following a HRI project, because its operating profile changes. This does not mean the HRI was not beneficial as, arguably, emissions could have been even higher without the project. But demonstrating the HRI project led to lower emissions may be difficult in some instances, given the range of factors that impact heat rate.

²¹ See International Energy Agency, *Power Generation from Coal: Measuring and Reporting Efficiency Performance and CO₂ Emissions*, at 19-20 (2010), https://www.iea.org/ciab/papers/power_generation_from_coal.pdf.

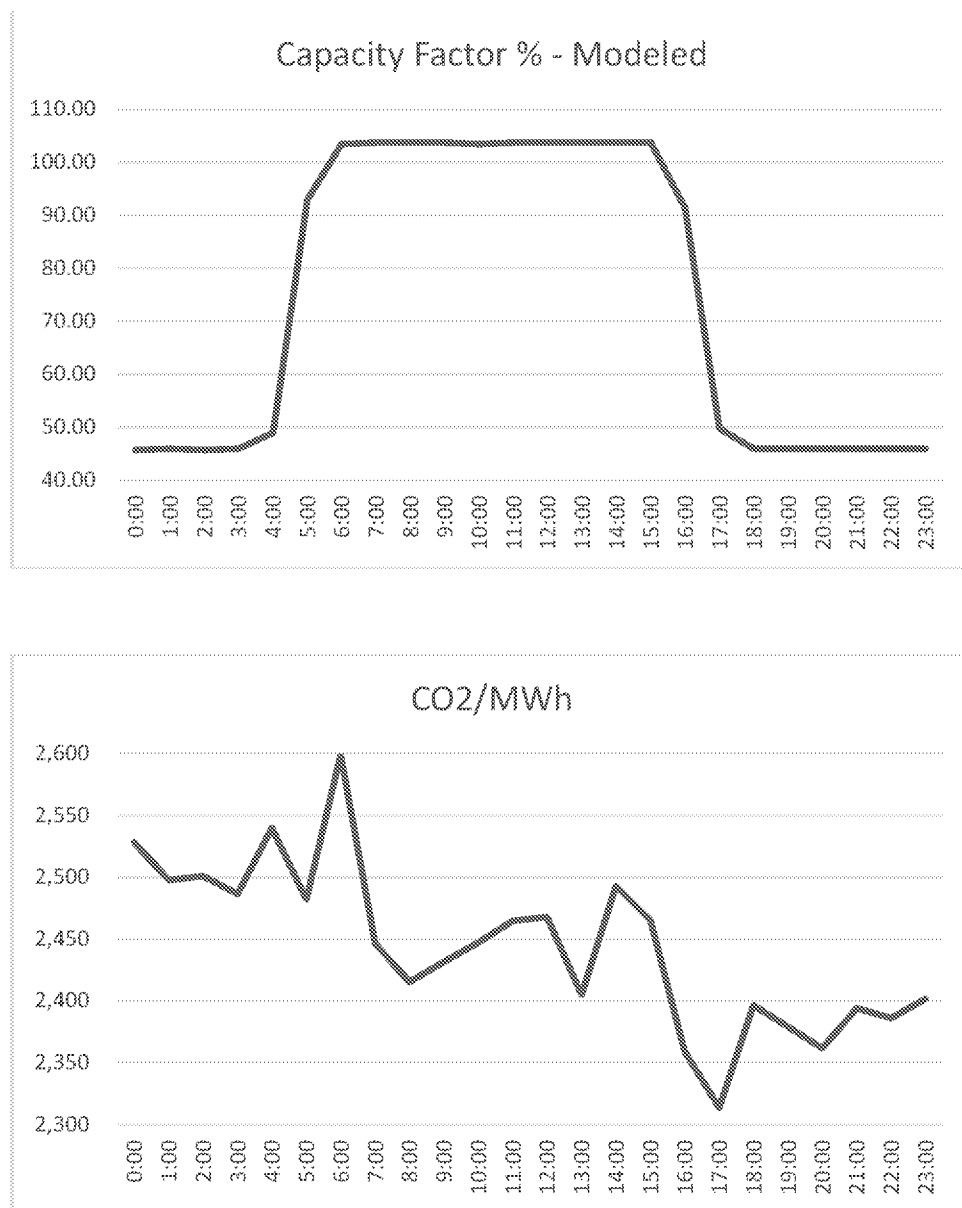
²² See Department of Energy, National Energy Technology Lab, *Impact of Load Following on the Economics of Existing Coal-Fired Power Plant Operations*, DOE/NETL-2015/1718 (June 3, 2015)(focusing on cold starts more than ramping, this report also notes that increased cycling requires more fuel and more maintenance, thereby increase the total cost to operate coal units), https://www.netl.doe.gov/energy-analyses/temp/ImpactofLoadFollowingontheEconomicsofExistingCoal-FiredPowerPlantOperations_060315.pdf.

factors and emissions rates with increasing and significant variability.²³ It is not clear how states could set an emissions rate standard that addresses this daily variability. The following figures, which look at emissions from two facilities over one 24-hour period, illustrate the issue:

Figures 1 and 2: Coal-Based Unit in PJM, June 6, 2018



²³ An increase in load-following behavior may reduce total utilization of a coal-based EGU, reducing total CO₂ emissions, but emissions rates would go up.

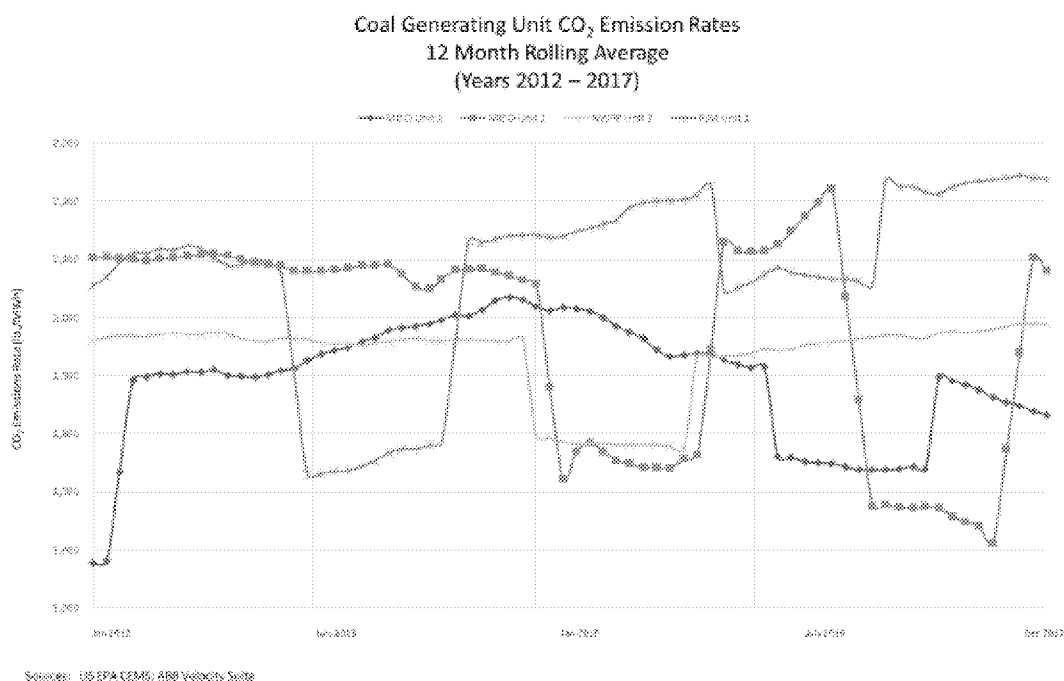
Figures 3 & 4: Coal-Based Unit in PJM, June 12, 2018

EPA has not addressed this type of emissions variability in the context of establishing BSER.

While HRI projects may reduce a unit's rate of CO₂ emissions, these projects will not ameliorate this kind of intraday variability in emissions.

2. Heat Rates Can Be Variable When Measured on an Annual Basis.

Examples of several units within three different balancing authorities charged with maintaining the reliability of the electric grid also highlight the variability of a unit's CO₂ emission rate over time—in this case, when measured over a period of years.



The graph above demonstrates that there are significant changes in a unit's heat rate, not just over a 24-hour period, but when measured over a period of years. While this graph represents the emissions rate of only four units in the larger coal-based generating fleet, there are many coal-based units across the country that operate in a load-following manner, which can impact not only intraday emissions rates, but also emissions rates year-to-year. Accordingly, a particular emissions rate may be achievable one year, but not another, due to the operations of the unit in response to the needs of the larger energy grid, which changes constantly as new resources and new sources of demand are added to the system. It is unlikely that these units would be able to

achieve continuous compliance with an emissions rate standard developed by states and included in CAA section 111(d) compliance plans.

3. Heat Rate Improvements are Not Permanent and Will Degrade Over Time.

EPA's approach to BSER in the proposed ACE rule appears to assume that, once implemented, the HRI accomplished by a particular project is permanent. This is not the case. All HRIs deteriorate over time, which has implications for the ability of a unit to achieve an emissions rate in the future that is based on an HRI project.

The Electric Power Research Institute (EPRI) has documented concerns about HRI degradation, noting that all HRI projects have a finite life unless additional efforts (and costs) are made to maintain them.²⁴ For example, EPRI has noted in this docket, "...replacing the seals in a steam turbine upgrade may provide a ½ percent heat rate improvement upon initial installation. However, under normal operating conditions, that gain will slowly diminish and ultimately disappear after approximately six years. If an upset occurs prior to the of the modification's normal life—for example, a rough plant startup or shutdown—the entire heat rate improvement could be immediately lost."²⁵ EPA has not addressed how states can set emissions standards that recognize and accommodate this lack of permanence.

B. EPA's Proposed BSER and Proposed Approach to the Standards Do Not Address the CAA Requirement that Emissions Standards Must Be Complied with Continuously.

EPA asserts that the flexibilities provided to states in setting emissions standards will provide for the effective implementation and enforcement of these standards as they apply to particular

²⁴ Comments of the EPRI filed in Docket No. EPA-HQ-OAR-2017-0355 on Oct. 15, 2018.

²⁵ *Id.*

affected units. *See* 83 *Fed. Reg.* at 44,765. However, the standard setting flexibilities that EPA identifies may not address the emission variability concerns of all units, as discussed above. Coupled with the lack of meaningful compliance flexibility, EPA's proposed BSER creates significant concerns that the emission standards that states develop may not be achievable on a continuous basis.

As a preliminary matter, simply making all standards less stringent than they otherwise may be will not address concerns about achievability and enforceability associated with emissions variability, as EPA appears to believe is the case. *See id.* at 44,766. Similarly, longer compliance schedules also may not fully address variability, *see id.*, and neither will the use of non-BSER measures, *see id.* at 44,765.²⁶ At a minimum, it would be helpful if EPA would describe a process for how states can set performance standards in a manner that provides sufficient flexibility to assure both achievability and enforceability, since this is critical to the success of the program.

EPA proposes to require that all state plans include measures that provide for the implementation and enforcement of the emissions standards to be applied to all affected units. *See id.* Further, EPA has not addressed the requirements of CAA section 302(k):

The terms “emissions limitation” and “emission standard” mean a requirement established the State or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of source to assure continuous emission reduction....

²⁶ For some units and for some states, these tools may be useful and may address emissions variability. But, they will not address all variability concerns, which is why EPA should not foreclose states from considering a range of compliance flexibilities.

42 U.S.C § 7602(k). Courts have interpreted this requirement to mean that standards should apply at all times and that efforts to exempt periods of operation are contrary to the plain language and intent of the Act. *See Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), *cert. denied*, 130 S. Ct. 1735 (2010). As currently contemplated in the proposed ACE rule, states would develop a single emissions rate standard for each affected unit. As explained above—and given the documented variability in emission rates related to a host of factors—it is not clear how states could develop a single rate that would be deemed both achievable and enforceable.²⁷

C. EPA Should Permit States to Develop State Plans that Include Compliance Flexibilities that Address the Operational and Technical Concerns Identified in These Comments, Consistent with the Requirements of the CAA; EPA Should Provide Guidance on Compliance Flexibility but Should Be Clear that States Can Explore All Options.

States need flexibility when creating and setting standards. While determining BSER at the source, or “inside-the-fence” is consistent with the source-based nature of section 111 of the CAA, the ACE rule should allow states flexibility to set compliance standards while using a range of mechanisms both to reduce the cost of compliance and ensure that the standards are achievable. EPA has not considered emissions rate variability sufficiently in the determination of BSER and has compounded the problem by mandating a limited approach to compliance that focuses exclusively on measures that can be accomplished at the unit. While some of the more limited compliance flexibilities EPA proposes to permit, like averaging, would help address

²⁷ Different kinds of standards can apply during different periods, to reflect operational issues or optimal functioning of control technologies. For example, while continuous compliance is required with an emission limits under the Mercury and Air Toxics Standards, the Agency provided for work practice standards for periods of startup and shutdown. *See Reconsideration of Certain Startup/ Shutdown Issues: National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial- Institutional, and Small Industrial- Commercial-Institutional Steam Generating Units*, 79 Fed. Reg. 68,777 (Nov. 19, 2014).

variability in some instances, greater flexibility may be needed to ensure that standards are implementable and enforceable. EPA should not be prescriptive in any final ACE rule as to how compliance is achieved and what types of compliance flexibilities are or are not permissible. EPA should instead allow states to include such flexibilities as they deem appropriate for units under their jurisdiction. This would be consistent with EPA's recognition that states have significant flexibility in determining emissions standards for units, as contemplated by the CAA. *See id.* at 44,763. The form of the standard and the methods for demonstrating compliance are part of the standard, and states should be afforded the same flexibility when determining these elements as well. *See id.* at 44,765 (noting that "states also have flexibility in the measures and processes that they put in place for affected EGUs to meet their compliance obligations").

EPA can assess the reasonableness of a state's proposed flexibilities in the context of each state plan, which the Agency is obligated to review. It would be appropriate for EPA to provide states some guidance on how to implement certain forms of compliance flexibility, as well as guidance on appropriate mechanisms to evaluate emissions variability in setting a performance standard.

1. Averaging Could Help States and Units Address Emissions Variability.

EPA proposes to allow limited averaging as a potential compliance flexibility for states and affected units. *See 83 Fed. Reg.* at 44,769, 44,765 and 44,767. Specifically, EPA proposes to afford states discretion in establishing averaging times for compliance demonstrations for individual affected EGUs. EPA also proposes to allow limited averaging across affected units within the same facility for compliance purposes. Both forms of averaging may be useful in certain instances to address emissions variability and should be options that states could choose to include in their compliance plans.

For some affected EGUs, longer compliance averaging provisions may smooth out variability in hourly emissions. This tool has been permitted by EPA in the context of GHG emission standards for new units under CAA section 111(b). *See, e.g.*, 60 C.F.R. § 60.5540 (allowing for 12-month rolling averages for compliance demonstrations). Given the annual and multi-year variability in emissions for some units, longer averaging periods also would be appropriate tools for states to consider.²⁸

Similarly, averaging across units at the same facility, as EPA proposes, may help address emissions variability, facilitating enforceable emissions standards for a group of units, and allowing implementation of efficiency measures that are most cost-effective and result in the most meaningful improvements at specific units, rather than compelling minor improvements at all units. *See* 83 *Fed. Reg.* at 44,767. EPA's proposal to limit such averaging only to those units at the same facility, however, is not required by law. Averaging across a larger number of units—for example, those within a state—could help address overall emissions variability, while still ensuring that emissions rates are achieved. Such an approach is similar to that used under CAA section 110 compliance programs, which allow emissions trading—another form of averaging.

²⁸ Similar to the approach taken to standards based on the Best Available Control Technology (BACT) analysis under CAA section 169, the standards established by states under section 111(d) should not be set to reflect the maximum possible emissions control under the most favorable conditions, but instead at levels that will allow units to achieve compliance consistently. BACT standards often reflect a compliance margin and are coupled with appropriate averaging periods. *See In re Steel Dynamics, Inc.*, 9 E.A.D. 165, 188 (EAB 2000); *see also In re Knauf Fiber Glass, GmbH*, 9 E.A.D. 1, 15 (EAB 2000).

Further, should they choose to do so, states should be able to utilize averaging across affected and unaffected units as an option for compliance purposes. Such averaging also could provide significant compliance benefits, allowing states not only to develop enforceable standards, but also to recognize significant investments in lesser-emitting generation. Allowing this type of averaging for compliance may obviate the need for states to use the variance provision to address the remaining useful life of an affected unit, making the establishment of emissions standards significantly easier for states. *See id.*

Accordingly, EPA should permit states to propose a range of averaging options in their compliance plans, as this may assist states in establishing enforceable standards for affected units with variable emissions rates.

2. Measuring Standards in Terms of Mass Emissions Could Provide Significant Operational Flexibility to Affected EGUs.

EPA proposes to limit the form of the standard to an emission rate of pounds of CO₂ per Megawatt-hour (MWh). *See 83 Fed. Reg. at 44,764.* Converting an emissions rate standard into a mass cap provides significant operational flexibility to units because mass caps do not require hourly compliance and therefore address intraday and monthly emissions variability concerns. Such flexibility has been incorporated into the GHG prevention of significant deterioration (PSD) permits issued by many states to new and modified units.²⁹ States should be permitted to convert emissions rate standards into emissions mass caps if this would help address variability and other compliance challenges.

²⁹ *See* analysis of GHG PSD permits, Appendix B.

3. EPA Should Permit States to Propose Trading Programs in Order to Develop Achievable and Enforceable Emissions Limits for Affected Units.

EPA solicits comment on trading but identifies legal and practical concerns with allowing states to incorporate trading into their compliance plans. *See id.* at 44,767-68. Specifically, EPA notes that permitting trading may allow states to implement standards that are more stringent than those that would be applicable otherwise and that it would be too difficult to address the required evaluation, monitoring and verification (EM&V). *See id.* These concerns should not be impediments to trading, should a state propose to include this as a compliance option.

Trading would be provided as a compliance option *after* setting the standard. It would not be used to determine the standard. Trading harnesses market incentives and typically reduces compliance costs. Trading was employed by Congress in the 1990 CAA Amendments as part of the Acid Rain program to reduce emissions of SO₂. No affected unit was required to engage in trading, but trading was an option that many, if not most sources, chose to participate in, as either a buyer or seller. But Congress had predetermined the reductions required. In much the same way, EPA needs to differentiate the basis for standard setting from the options for compliance. Trading here would be a compliance option, not a standard setting tool.

As noted above, emissions trading is on some level another form of emissions averaging. Both would help address emissions variability. While EM&V is an important issue in any trading program, both EPA and the states have significant experience in this area upon which to draw. For example, the EPA has established successful trading programs in rules including the NO_x state implementation plan (SIP) Call and the Cross-State Air Pollution Rule (CSAPR), among

others.³⁰ In those programs, trading was based on an evaluation of the level of reductions achievable at individual sources and the requirements were translated into emissions budgets, which were determined to be equivalent or more stringent than the achievable level of emissions at the sources.

4. Other Forms of Compliance Flexibility Could Help Address Emissions Variability; EPA Should Permit States to Propose Different Approaches in Compliance Plans and Should Not Preemptively Determine That Any Potential Flexibilities Are Invalid.

While these comments identify some of the compliance options that states could include in their compliance plans to address emissions variability and other state and local factors, this discussion is not meant to be exhaustive. States should be able to propose any compliance flexibilities that would allow for the development of enforceable emissions standards for affected units. EPA should not preemptively determine that any particular compliance flexibility option is invalid. Instead, EPA should assess each state plan on its merits. As noted, EPA could help the states develop achievable, enforceable emissions rate standards of performance by providing guidance as to the implementation of certain compliance options.

IV. EPA Should Clarify The Applicability Of The Proposed ACE Rule.

As discussed, EPA proposes that BSER is a menu of HRI that could be undertaken at the affected unit. The Agency defines an affected EGU, *i.e.*, a unit that is subject to regulation, as any fossil fuel-fired EGU that was in operation or under construction as of August 31, 2018. Affected EGUs also must be fossil fuel-fired electric utility *steam* generating units that are

³⁰ See, e.g., EPA's NO_x Budget Trading Program, 63 *Fed. Reg.* 57356 (Oct. 27, 1998); the Clean Air Interstate Rule, 70 *Fed. Reg.* 25,161 (May 12, 2005); CSAPR, 76 *Fed. Reg.* 48,208 (Aug. 8, 2011); and the CSAPR Update Rule, 81 *Fed. Reg.* 74,504 (Oct. 26, 2016).

capable of selling more than 25 MW to the grid and with a base load rating greater than 260 G/h (250 MMBtu/h) heat input of fossil fuel. *See* 83 *Fed. Reg.* at 44,754. As noted in the proposal, these applicability requirements differ from those used in the CPP and reflect the fact EPA only proposes a BSER for steam EGUs. *See id.* However, like the CPP, EPA proposes that units that are not deemed affected would be exempt from inclusion in state compliance plans. *See id.* at 44,755.³¹ In particular, the Agency did not identify a BSER for integrated gasification combined cycle (IGCC) units or stationary combustion turbines, so these units are not considered to be affected units and are exempt from inclusion in state compliance plans. *See id.* at 44,754.

Despite the discussion of applicability in the proposed ACE rule, EGU owners and operators are unclear as to which units may be subject to the proposed ACE rule and would need to be included in state compliance plans. EPA should clarify the applicability of the proposed ACE rule, as discussed below.

A. EPA Must Clarify the Proposal with Respect to NGCCs, Which Have a Steam Component, and Other Natural Gas-Based Steam Boiler EGUs.

As noted, the proposed rule states that an affected unit is any fossil fuel-fired electric utility steam generating unit that meets certain size and capability requirements. *See id.* The proposal is

³¹ EPA lists six types of EGUs that would be exempt from inclusion in state plans: 1) units subject to 40 C.F.R. § 60 subpart TTTT as a result of modification or reconstruction; 2) steam generating units subject to federally enforceable permit limits that limit net electric sales to one-third or less of their potential electric output or 219,000 MWh on an annual basis; 3) non-fossil units that limit the use of fossil fuels to 10 percent or less of the annual capacity factor or are subject to a federally enforceable permit limit to this effect; 4) units that serve a generator along with other steam generating units where the effective generation capacity is 25 MW or less; 5) municipal solid waste incineration units subject to 40 C.F.R. § 60 subpart Eb; or 6) commercial or industrial solid waste incineration units subject to 40 C.F.R. § 60 subpart CCCC. *See* 83 *Fed. Reg.* at 44,755. Should EPA determine that any of these types of units should be included in state plans to comply with the proposed ACE rule, EPA would have to provide an opportunity for notice and comment on the appropriate BSER for these types of units.

clear that this does not include IGCC units and stationary combustion turbines. *See id.* Consistent with this, in any final rule, the Agency must clarify whether natural gas combined cycle (NGCC) units, which have a steam generating component, are affected units. Additionally, the Agency should clarify whether natural gas-fired steam boilers are affected units and whether they are subject to inclusion in state plans.

Further, the Agency should not set a BSER for NGCCs in this docket given the lack of information currently in the record. EPA, in fact, notes that “no commenters provided specific information on the availability, applicability, or cost of HRI opportunities for NGCC units—nor did any commenters provide any information on the magnitude of expected heat rate reductions.” 83 *Fed. Reg.* at 44,761. However, if the Agency does receive such information, it would be necessary and appropriate for EPA to initiate a separate rulemaking (or, at minimum, a supplement to this rulemaking) to provide all stakeholders sufficient notice and opportunity to comment on such data and any BSER that EPA may propose as a result.

EPA cannot reconsider the determination that there are no HRIs that represent BSER for NGCCs and cannot develop BSER for other natural-gas steam boiler EGUs without such notice and comment. While EPA has generally explored whether HRIs are available for NGCCs, *see id.*,³² EPA’s analysis fails to identify and address fundamental issues related to potential HRIs at

³² EPA’s attempt to assess a benchmark heat rate for NGCCs by looking at historic national performance is fundamentally flawed if the goal is to determine BSER. *See* 83 *Fed. Reg.* at 44,761. While certain classes of turbines have design specifications that include expected heat rate, actually achieved heat rates depend on an array of unit-specific factors. A national average obscures these factors and, therefore, could never serve as BSER as it would not lead to an achievable standards, consistent with the requirements of CAA section 111(a).

NGCCs. Specifically, the Agency does not address that efforts to obtain HRI at NGCCs likely will involve upgrading significant components, including the compressor, combustor or entire turbine gas path.³³ Implementing these upgrades may cross the line from HRI project to modification or reconstruction, which could require that these units be regulated under CAA section 111(b) instead of section 111(d). See 40 C.F.R. § § 60.14 and 60.15. Further, an approach to HRI projects at NGCCs that required such major upgrades would be inconsistent with EPA's proposed BSER, which rejects standards that can only be accomplished through a fundamental redesign of the source. *See id.* at 44,753. (Comment C-3).

B. EPA Should Clarify the Cut Off Date Between New and Existing Fossil Steam Generating Units for Purposes of Regulation under CAA Section 111(d).

In the proposed ACE rule, EPA states that an affected EGU is any fossil fuel-fired electric utility steam generating unit that was in operation or had commenced construction as of August 31, 2018. *See* 83 *Fed. Reg.* at 44,754. However, in a footnote, EPA recognizes that “under section 111(a) of the CAA, determination of affected sources is based on the date that EPA proposes action on such sources” and that “January 8, 2014, is the date the proposed GHG standards for performance for new fossil fuel-fired EGUs were published in the Federal Register.” *Id.* The proposed rule's approach to applicability appears to be contrary to the requirements of the CAA with respect to establishing a cutoff date between existing and new units. EPA needs to both clarify what the applicability date is and offer a full explanation for its rationale if that date has changed from the January 8, 2014 date.

³³ See J. Edward Cichanowicz, *Availability and Status of Heat Rate Improvement (HRI) Actions Applicable to Gas Turbines in the Context of the Affordable Clean Energy Rule* (Oct. 2018), submitted as part of the comments of the Utility Air Regulatory Group in Docket No. EPA-HQ-OAR-2017-0355.

No new coal-based steam EGUs have come online since January 8, 2014, which means that the change in applicability date has no practical effect. That is, there are no coal-based units that were considered to be new sources, subject to regulation under CAA section 111(b), that would now instead be considered existing sources, subject to inclusion in a state's section 111(d) compliance plan. However, if coal-based units had been built or started operation during this period, this change in applicability date would have resulted in a significant and unexpected change in applicable performance standards. While not presenting such concerns, this change in applicability date creates uncertainty for other units. For example, if EPA were to find that there are HRI projects that could be determined to be BSER for other units, including NGCCs, this change in applicability date would change the applicable standards for the many NGCCs that were built or started operation since early 2014 and have incorporated the relevant section 111(b) standards into their operating permits. Accordingly, to avoid creating regulatory uncertainty, EPA should clarify what the applicability date is and offer an explanation if it has changed.

V. The Proposed Revisions to The Section 111(d) Implementing Regulations Are Reasonable And Appropriate But Require Clarification and Revision Before Finalization.

EPA proposes to update and amend the CAA section 111(d) implementing regulations to address several issues. Among other things, these include: changes and updates to definitions; updated timing requirements; new completeness criteria and processes for determining completeness; updated public hearing requirements; and an updated variance provision. *See* 83 *Fed. Reg.* at 44,770. As a general matter, these proposed changes and revisions are appropriate. However, EPA should provide some clarifications related to these proposed changes and amendments, as described in more detail below.

While EPA considers the proposed revisions to the implementing regulations to be a separate and distinct proposal from the ACE rule, *see id.* at 44,783, it is not clear how states and the owners and operators of affected units could begin to devise approvable state plans for submission to EPA without such regulations in place. Accordingly, EPA should finalize these proposed revisions—reflecting the clarifications and revisions discussed below—along with any final ACE rule.

A. Updating the Timing Requirements Related to State Plan Submittals Is Appropriate.

EPA proposes to update the timing requirements in the CAA section 111(d) implementing regulations. These proposed changes would address the timing for the development, submission and review of state plans, as well as EPA’s promulgation of federal plans if required. *See 83 Fed. Reg.* at 44,771. EPA, in part, is updating the timing requirements to be consistent with those in the CAA section 110 implementing regulations, which govern the development, submission and review of SIPs. Generally, these changes are appropriate given the amount of work states will be required to develop state plans that include unit-specific performance standards based on an assessment of the menu of HRI projects that EPA has determined to be BSER. Further, given the expressly acknowledged relationship between CAA section 110 state implementation plans and state compliance plans under section 111(d),³⁴ conforming to the timing requirements of section 110 is reasonable. The CAA does not specify any particular compliance timeline for CAA

³⁴ Section 111(d) states that “the Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 7410 of this title under which each State shall submit to the Administrator a plan which (A) establishes standards of performance for any existing source...” 42 U.S.C. § 7411(d)(1).

section 111(d) regulations, so providing sufficient time to develop and review complicated state plans is consistent with the Act.

Specifically, EPA is proposing to allow states up to three years, rather than nine months, to adopt and submit their state plan to EPA after promulgation of a final 111(d) emission guideline. *See id.* EPA proposes this change recognizing that there is a tremendous amount of work for a state to develop state plans, especially ones with unit-specific standards. States will need adequate time to work with EGU owners and operators to determine the unit specific standards that will be included in state plans and be enforced against EGUs. Moreover, at least with respect to standards of performance for GHG emissions from existing affected EGUs, additional time for states to develop and submit a state plan is necessary as the proposed rule provides little guidance as to how states should set these standards but requires that significant information about each affected unit be contained in the state plan. *See, e.g.,* proposed 40 C.F.R §§ 60.5735a and 60.5740a. It will take time for states to develop these plans and nine months will not be sufficient. As discussed below, EPA should provide states additional guidance on establishing a unit-specific standard of performance to help states develop approvable state plans.

Likewise, EPA is proposing to allow EPA up to 12 months, rather than four months, after a state submits its state plan to determine whether the plan is complete. *See 83 Fed. Reg.* at 44,772. In addition to changing the deadline for EPA to determine the completeness of a state plan, EPA also proposes completeness criteria against which EPA would compare a state's submission to determine completeness. *See id.* at 44,772. The proposed completeness criteria are similar to the completeness criteria under CAA section 110 and therefore reasonable.

Finally, EPA is proposing to allow EPA up to two years, rather than six months, from the date EPA disapproves a state plan—either as a result of determining that a state plan is incomplete or because a state failed to submit a plan—to issue a federal plan. *See id.* at 44,771. This proposed change also is reasonable, as EPA, like the states, will have to conduct a unit-by-unit analysis to establish performance standards for each affected unit that would be addressed in the federal plan. Just as developing a state plan is a time-intensive process, so too is developing a federal plan, therefore allowing EPA up to two years—as is consistent with the timing requirement under CAA section 110—is appropriate. It is expected that states will work closely with affected units when developing compliance plans; EPA should similarly engage the regulated sources should the development of a federal plan be necessary.

B. The Proposed Updates to the Plan Completeness Criteria and Process for Determining Completeness are Appropriate, But Some Required Elements of State Plans Would Require Speculation and the Potential Provision of Confidential Business Information that Could Impact Electricity Markets; EPA Should Revise These Requirements.

EPA proposes to amend the completeness requirements for state plans under CAA section 111(d). *See id.* at 44,772. In general, these amendments would make the section 111(d) completeness requirements more consistent with those for SIPs under CAA section 110, with criteria addressing both administrative materials and technical support. *See id.* The revisions also address how EPA would determine whether a state plan is complete and provide a timeframe for an Agency completeness determination. *See id.* EPA states that these criteria will apply to all CAA section 111(d) plans submitted after these revised regulations are finalized. *See id.*

In general, the proposed revisions to the regulations addressing completeness are appropriate. Given the statutory mandate that EPA establish a procedure for section 111(d) state plans that is similar to the one provided in CAA section 110 for SIPs, *see* 42 U.S.C. § 7411(d), EPA's determination that the completeness criteria for 111(d) plans mirror those for SIPs makes sense.

However, beyond the general technical support requirements that must be included in order for a state plan to be deemed complete, EPA has proposed a number of additional requirements for state plans that would regulate GHGs from existing fossil fuel-fired electric steam generating units and seeks comment on whether this list is comprehensive (Comment C-46). EPA's concern about comprehensiveness is misplaced. Many of these proposed plan elements are not only overly burdensome for both states and affected units but also require information that cannot be known at the time that the state plans are submitted to EPA and, if known, may constitute confidential business information (CBI) that could have impacts on electricity markets if made public.

For example, EPA proposes to require the following data in state plans:

- (4) Your plan demonstration, if applicable, must include the information listed in paragraphs (a)(4)(i) through (v) of this section as applicable.
 - (i) A summary of each affected EGU's anticipated future operation characteristics, including:
 - (A) Annual generation;
 - (B) CO₂ emissions;
 - (C) Fuel use, fuel prices (when applicable), fuel carbon content;
 - (D) Fixed and variable operations and maintenance costs (when applicable);
 - (E) Heat rates; and
 - (F) Electric generation capacity and capacity factors.
 - (ii) A timeline for implementation of EGU-specific actions (if applicable).
 - (iii) All wholesale electricity prices.
 - (iv) A time period of analysis, which must extend through at least 2035.
 - (v) A demonstration that each standard of performance included in your plan meets the requirements of § 60.5755a.

Proposed 40 C.F.R. § 60.5740a(a)(4), 83 *Fed. Reg.* at 44,809.

The required inclusion of this information would require states and EGU owners and operators to provide information that, by and large, simply would not be knowable at the time that the state plans were due. For example, it is not possible to know annual generation, related CO₂ emissions, fuel use, fuel prices, O&M, heat rates, capacity factors and all wholesale electricity prices from the time of plan submission through 2035. As discussed in detail above, individual unit's operations are functions of many variables, including electricity demand and the composition of the fleet of EGUs that are available to provide electricity in any given period.

While it may be possible to make predictions about some of these required plan elements, such projections are costly, time consuming and rarely accurate with a degree of certainty required for environmental regulatory planning, particularly at the individual unit level. Electric companies can and do estimate future demand, and they use this information to plan for additional generation sources in the long-term and fuel purchases in the shorter-term. But taking these system projections down to the unit level is problematic. An unexpected forced outage at one unit affects generation at other units. If a nuclear unit cannot run, multiple coal units might be operated, even though their expected operations were low prior to the nuclear outage. This sort of event, with its ripple effects, occurs numerous times over any given year, and the larger the fleet, the more unpredictable the outcome. But of note, none of these changes in generation affect customer demand. So, while electric utilities might accurately enough predict demand and even generation at the system level, predicting individual unit operations years into the future is inherently uncertain.

However, the proposed regulations do not ask for predictions, they ask for a summary of future operating characteristics, failing to recognize that most of this information will not be knowable at the time that plans are submitted for EPA review. Further, EPA has not provided a reasoned basis for seeking such information and how such information would be useful to EPA in evaluating state plans or the standards of performance for existing EGUs that may be included in state plans. EPA should avoid embarking on any data fishing expeditions.

Potentially more problematic, if some of this information is known at the time of plan submittal, it could constitute CBI, particularly with respect to EGUs that compete to sell power in wholesale electricity markets. Much of the price and expected output information that EPA seeks would be similar to information required to be included in bids to provide energy and other services to wholesale markets. Providing this information in publicly available state plans could have detrimental effects on competition and customers, particularly as it would result in a one-sided dissemination of cost and other sensitive information about units as only coal-based units would be required to make such data public.³⁵ And it is not sufficient to expect that utilities could protect this information by designating it as CBI. While protection under the Freedom of Information Act (FOIA)³⁶ may protect its disclosure, not all states provide the same level of protection to sensitive information. For example, North Carolina's robust public records laws protect only "trade secrets," which is defined more narrowly than CBI under FOIA.

³⁵ As noted above, EEI is seeking clarification on exactly what types of units would be covered under the proposed rule.

³⁶ See 5 U.S.C. § 5562

Accordingly, given that EPA has requested detailed information that likely cannot be known at the time state plans are submitted for review (and is certainly unknown for the long timeframes in which EPA seeks data) and that this information, if it could be provided, could negatively affect electricity competition and customers, EPA should withdraw these requirements. EPA has not provided a reasoned basis for requiring that this information be included in state plans or how it would be evaluated, and the burdens and harms from providing this information would far outweigh any benefit related to the ACE rule that EPA could articulate.

C. EPA's Proposed Monitoring Requirements Are Generally Appropriate, But EPA Should Provide States and Units More Flexibility in Recognition of Changing Operations.

EPA proposes that state plans include appropriate monitoring, reporting and recordkeeping requirements to ensure that the plans adequately provide for the implementation and enforcement of the standards of performance for affected units. *See* 83 *Fed. Reg.* at 44,768. To this end, EPA notes that most potentially affected coal-based EGUs already continuously monitor emissions, as well as heat input, and gross electric output, and report this hourly data to EPA under 40 C.F.R. part 75. *See id.* at 44,769. Accordingly, EPA proposes to allow states to use the data collected under part 75 to meet the monitoring, reporting and recordkeeping requirements. *See id.*

As a general matter, it is appropriate to allow states to use part 75 data to satisfy the monitoring, reporting and recordkeeping requirements for CAA section 111(d) compliance plans. Using already collected data to serve multiple purposes is efficient. However, EPA must recognize that part 75 was designed to address the needs of emission trading programs, not performance standards expressed as unit-specific emission rates. To the extent that states use an emission rate

approach in their plans, adjustments to the monitoring and reporting requirements to eliminate periods of substituted data, minor downtime, calibration periods and other invalid data must be allowed.

EPA also should make clear in any final ACE rule that states can use alternative methods to address monitoring, reporting and recordkeeping requirements. For example, states should be permitted to consult with affected EGU owners and operators to determine the most appropriate emissions testing and heat rate measurement methods. States should be permitted to allow units to use alternative methodologies to measure stack air flow as appropriate.

States also should be permitted to allow units to determine heat rate by means other than through reference to continuous emission monitoring system (CEMS) data. There can be significant variation between the heat rate determined using CEMS data and other methods because of as-burned fuel conditions that can affect the heat input of fuel at individual EGUs that may not be reflected in CEMS data, delinking the data from the actual thermal performance of the boiler. For this reason, some owners and operators use a heat balance approach. EPA's final ACE rule should provide states flexibility on how to address monitoring, reporting and recordkeeping so long as they appropriately document and explain the need for any alternative approaches.

D. EPA Should Provide Additional Guidance About the Use of the Proposed Variance Regulations Generally and How to Utilize the Variance Provisions to Address Remaining Useful Life and Other Factors When Establishing a Unit's Standard of Performance Specifically.

Throughout the proposal, EPA identifies a variety of factors that states can consider when establishing standards of performance for affected units. *See, e.g.*, 83 *Fed. Reg.* at 44,766 and 44,773. Specifically, EPA identifies factors laid out in CAA section 111(d)(1)(B), including the

remaining useful life of the unit. *See id.* at 44,766. Consistent with the statutory recognition that setting standards for existing units may require consideration of a range of mitigating factors, EPA proposes revisions to the variance provision in the CAA section 111(d) implementation regulations that would allow states to apply less stringent standards to sources under certain circumstances, regardless of whether standards are health- or welfare-based. *See id.* at 44,773. Revising the existing variance provision in this manner is appropriate and consistent with the direction in CAA section 111(d)(1)(B) that states be allowed to consider remaining useful life and other factors when setting performance standards for existing units.

EPA is clear in the proposed ACE rule that its authority extends to the determination of BSER and that CAA section 111(d)(1) assigns authority to the states for establishing standards of performance for affected existing EGUs. *See id.* at 44,755. Nevertheless, it is appropriate for EPA to guide states on how they might choose to establish standards of performance that EPA will find approvable. Given the unit-specific nature of the proposed BSER, states likely will rely on the proposed variance provision to develop such standards. EPA does not provide guidance to the states as to how to use this variance provision to address the factors enumerated in the statute or any other factors that the state may appropriately consider when setting performance standards and instead seeks comment on how states can use the variance provision to set performance standards for affected units (Comment C-58). In any final rule, EPA should provide such guidance; or, at the time of finalization, EPA should issue guidance to the states that addresses how to use the variance procedure in the regulations. Given that EPA recognizes that a host of unit-specific factors and other unique unit attributes may be relevant when states set performance standards for affected units, there is no need for EPA to enumerate all potential factors that states

could consider (Comment C-23; Comment C-57). Rather, EPA should provide examples of how to consider such factors in setting standards so that states have some guidance as they craft compliance plans but should not be prescriptive about the factors that states could consider. EPA and stakeholders can assess the appropriateness of such considerations when reviewing state plans.

This proposed rule strongly suggests that EPA intends for remaining useful life considerations, which are identified in CAA section 111(d) as a factor in setting standards, to be addressed only through the variance process. *See id.* at 44,766. However, EPA does not provide states any examples on how and to what extent remaining useful life is factored into establishing a standard of performance or how to use the variance provision to factor remaining useful life into the development of a performance standard. To help states develop approvable compliance plans, EPA should provide more specificity regarding how states and sources could consider the remaining useful life of a unit through the variance provision and, accordingly, how to set emissions standards consistent with this analysis. Such guidance could include numeric examples, using hypothetical units, emissions rates and remaining useful life.

VI. EPA's Proposed New Source Review Reforms May Address Potential Deterrents to Undertake HRI Projects to Comply With Section 111(d), But Could Be Severed From This Proposal.

As EPA notes, an affected EGU that undertakes an HRI project for purposes of compliance with a state's CAA section 111(d) compliance plan could trigger NSR permitting requirements under the current applicability test. *See 83 Fed. Reg.* at 44,777. NSR permitting can add significant time and expense to such projects and could complicate the development and implementation of

state compliance plans, especially if the only option for compliance is to undertake HRI projects at the affected EGU. To address this, EPA is proposing to amend the NSR regulations to include a new hourly emission increase test for EGUs for determining NSR applicability, with the goal of minimizing the potential to trigger NSR permitting requirements. *See id.* If a final ACE rule provides limited compliance flexibility, as discussed above, reform of the NSR applicability test could further ease compliance, as triggering NSR could deter EGU owners and operators from undertaking necessary HRI projects, with owners instead choosing to close units rather than make investments in units that may not be recoverable.

A. Reform of New Source Review Permitting Requirements Could Address Potential Deterrents to Engaging in HRI Projects at Affected Units.

As a preliminary matter, it is important to note that any increase in the amount of any air pollutant that could be imputed to an HRI project depends on many factors that either cannot be known at the time of permitting or could change over the course of a unit's operations. Despite this, assertions that all HRI projects automatically will cause increased dispatch of any particular unit and result in increased emissions of air pollutants are based on a fundamental misunderstanding of how the power sector operates and are easily disproven. For example, if all units in a given utility's system were to undertake an HRI in the same year, it is not reasonable to assume that each would operate more than previously, because the system operates to meet customer demand, which is not affected by the HRI projects. Moreover, as the HRI projects are more likely staggered over several years, even if a unit operated more the year following its HRI, in subsequent years its improved efficiency would deteriorate, while other units undertaking HRI project would have improved performance.

Because electricity must be supplied in real time to meet demand, EGUs cannot unilaterally decide to increase production; there first must be an increase in demand or a reduction in other required generation, such as a baseload unit outage. While an HRI project may decrease an EGU's total fuel costs, these projects involve capital expenditures that could increase a unit's marginal cost. As a result, an HRI project does not necessarily make a unit more competitive per se and cannot be said to result automatically in increased dispatch and increased emissions.

In some cases, EGUs may forgo efficiency improvements to avoid triggering NSR permitting requirements. NSR pre-construction permitting requirements can require costly, detailed analyses and result in permitting delays; in some cases, they also result in costly and protracted litigation, as well as expensive new emission control requirements that also create additional time delays for projects. Indeed, many unit owners and operators undertake HRI projects and other efficiency improvement efforts when addressing other unit upgrades that already have triggered NSR permitting so as to avoid a second round of permitting review just for these projects. Accordingly, addressing NSR applicability could facilitate compliance with CAA section 111(d) state plans.

If EPA chooses to finalize the proposed revisions to the NSR applicability test and related regulations, EPA should not limit the new approach only to those units that are undertaking HRI projects for purposes of CAA section 111(d) compliance or otherwise limit the new approach based on geography or pollutant (Comment C-62). Such limits would discourage HRI projects. For example, a limit on the new approach that tied it exclusively to CAA section 111(d) compliance is potentially problematic as it is not clear at this time how states will design

compliance plans or choose to measure compliance. As discussed above, HRI projects degrade over time. It is not clear whether future investments to address this degradation would be considered to be for the purposes of CAA section 111(d) compliance, potentially subjecting EGUs to different tests for applicability over the life of the same HRI project. With respect to potential geographical limits, the record provides no grounds on which to reasonably differentiate between units in different parts of the country, particularly as ACE would apply to all affected units, regardless of location. Finally—with respect to pollutants—any effort to encourage HRI projects to comply with CAA section 111(d) or help states develop compliance plans would be undermined if all regulated NSR pollutants were not covered by the proposed new approach to determining NSR applicability.

B. Additional Compliance Flexibility Might Obviate NSR Concerns Related to Section 111(d) and Is Consistent with EPA’s Goals in Proposing NSR Reform.

The proposed ACE rule, as currently drafted, requires states to establish unit specific standards and provides minimal compliance flexibility to meet those standards. *See id.* at 44,748. This means that EGU owners and operators would either have to comply with the performance standard and risk triggering NSR permitting requirements and the additional attendant costs and delays by undertaking HRI projects; face potential non-compliance; or engage in unit closure. While EPA’s proposal does grapple with some of these challenges through the proposed NSR revisions, these challenges would remain if the revised applicability test is not finalized or does not survive legal challenge. As discussed above, EPA should authorize states to consider additional compliance flexibilities in order to achieve environmental performance in the most cost-effective manner. Additional flexibilities could potentially reduce the number of EGU owners who may trigger NSR permitting requirements in connection with compliance with the proposed ACE rule because there would be options, other than unit-specific HRI projects, for

compliance. Further, authorizing states to consider a range of compliance flexibility in state plans, beyond those that could be undertaken strictly at the source, is consistent with EPA's stated goals for amending the NSR applicability test: providing states with options for efficient and effective compliance. *See id.* at 44,776-777.

C. EPA Could Sever the Proposed NSR Revision and Finalize It Separately from the ACE Proposal.

As discussed, the NSR permitting program and the proposed ACE rule are related to one another in that compliance with ACE could trigger NSR; however, they are ultimately separate and distinct programs. As EPA notes, the Agency views the proposed ACE rule as “appropriate policies in their own right and on their own terms” and intends the proposed NSR revisions to be severable upon judicial review. *See 83 Fed. Reg.* at 44,783. Accordingly, EPA could finalize the proposed NSR changes separately from the finalization of the ACE rule (Comment C-71).

A separate approach may make sense, particularly if the proposed changes to the NSR program would not be limited to units engaging in HRI to comply with an 111(d) standard and would instead be more broadly applicable. This would allow legal challenges to one proposal to proceed without necessarily delaying the other. Given that the section 111(d) state plans likely would not be due to EPA for review until 2022 at the earliest, there is sufficient time to move the two proposals separately, while still ensuring that the intended goals of the amendments to the NSR program—addressing the concerns about the potential effects of these permitting requirements on HRI projects—is accomplished in a timely fashion.

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 6/17/2019 6:52:51 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Jun 17 PRG Energy Update: ACEs High, CAFE Showdown

Friends,

Now that is what I call a great Father's Day: US Women's World Cup Soccer, some lacrosse refereeing and then watching golf in prime time.

This week, the Administration's new Affordable Clean Energy rule (ACE) rule rolls on tomorrow (we think). Jeff and Scott are available to discuss. We are also closely following any and all developments related to small refinery exemptions and the RFS.

On the hearing front, Senate Energy picks up park maintenance tomorrow, and House Energy tackles pipeline safety legislation with INGAA and AGA testifying on Wednesday morning with House Science looking at fossil energy issues in the afternoon. Finally, Thursday, House Energy has a major hearing on fuel economy standards with EPA's Bill Wehrum, NHTSA's Heidi King and CARB's Mary Nichols while Senate Energy returns for a hearing on advanced geothermal energy development.

In town, Jeff Holmstead headlines a [Federalist Society Forum](#) on regulations tomorrow while CRES hosts a [Capitol Hill forum](#) with Rep. Matt Gaetz on Wednesday. Brookings [hosts](#) Rep. Francis Rooney and Sen. Chris Coons on Thursday to discuss carbon pricing and EWG's Scott Faber and former EPA water chief Tracy Mehan (now with AWWA) [discuss PFAS](#) issues at another Capitol Hill Forum on Friday.

Out of town, [REFF-Wall Street](#) is up in New York tomorrow and Wednesday while Massachusetts Gov. Charlie Baker is keynote speaker at Wednesday evening's [Environmental Business Council New England](#) annual awards in Newton, Mass.

Finally, Congrats to our friend Luke Bolar, who is [joining ClearPath](#) as managing director-external affairs. He was previously chief of staff to former Sen. David Vitter (R-La.).

Call with questions,

Best,

Frank Maisano
 (202) 828-5864
 C. (202) 997-5932

FRANKLY SPOKEN

"Having served in Congress for seven terms, I look at this, it's a political document ... not a policy prescription. It'll never receive congressional action."

Former House Democratic Rep and current American Chemistry Council CEO Cal Dooley, of the, said of the Green New Deal in an interview with John Siciliano of the Washington Examiner.

ON THE PODCAST

Harbert Talks NatGas on Columbia Energy Podcast – In last week's episode of [Columbia Energy Exchange](#), host Bill Loveless is joined by Karen Harbert, the new President and CEO of the American Gas Association. Karen's joined AGA in

April after heading the U.S. Chamber of Commerce's Global Energy Institute. Before that, she was an Assistant Secretary for Policy and International affairs at the U.S. Department of Energy under President George W. Bush and a Deputy Assistant Administrator for Latin America and the Caribbean at the U.S. Agency for International Development.

FUN OPINIONS

Chamber Blog: Approps Process Protects Clean Energy Funding – Christopher Guith, head of the Chamber's Global Energy Institute said in a [new blog on Friday](#) that urges strong support for ARPA-E and other clean energy technology programs. Guith says the Chamber has [long been outspoken supporters](#) of the agency, and in fact were among the first to call on Congress to create it way back in 2007. This support has only grown over the years as ARPA-E continues to demonstrate a record of strong management and successful grants. That's why we are proud to be part of a large and diverse coalition of 88 entities that are calling on Congress to increase ARPA-E funding in this year's budget (as well as a [similar coalition](#) working to restore funding for other DOE R&D program areas).

IN THE NEWS

Legislation Proposes to Change SREs – Sens. Deb Fischer (R-NE) and Tammy Duckworth (D-IL) introduced legislation that would set a June 1st annual deadline for small refineries to ask for hardship waivers under the renewable fuel standard. The deadline provided in the "RFS Integrity Act," S. 1840, would enable EPA to account for the waivers when it sets minimum volumes of ethanol to be blended into the nation's gasoline supply. In turn, the agency could reallocate the waived gallons to other refineries.

Refiners respond to New SRE Legislation – My colleague Scott Segal said the bill seems to establish an arbitrary date for the filing of small refinery exemption petitions. Small refineries should be allowed to file petitions when they can make a robust case and produce data important for the consideration of federal agencies. The bill also seems designed to force filing, perhaps in an attempt to disadvantage these important facilities. We hope the embrace of open process isn't a backhanded attempt to undermine protections of confidential business information. If bill supporters really want to advance open government for a costly and controversial program, they can start with lifting the curtain on agricultural price support payments. These direct payments from the American taxpayer to agribusiness often proceed through a secret web of partnerships, corporations and other entities which shield who gets paid and how much.

SAFE Expert Comments on Tanker Explosions – Following Thursday's tanker explosions in the Gulf of Oman, Secretary of State Mike Pompeo said U.S. intelligence had "lots of data, lots of evidence" to back up US assertions that Iran was responsible. Either way, SAFE CEO Robbie Diamond said these latest attacks *"remind us of the instability and vulnerability of much of the world's oil supply. The global nature of the oil market means that disruption anywhere affects prices everywhere--and nowhere is this more true than around the Strait of Hormuz, a chokepoint through which 18.5 million barrels of oil pass each day. America's outsized dependence on oil to power its economy means we are continually exposed to geopolitical risk in the Middle East, from a nation's instability to a terrorist attack. When incidents like these happen, it is U.S. consumers, businesses and the American military that ultimately bear the brunt."*

USS Cole Commander Can Also Comment – One more great resource for you on the topic of tension in the Gulf from an expert with personal experience. My friend Kirk Lippold – former commander of the *USS Cole* – is now a security expert who is also available to discuss these issues for you. You can reach him at kirk@kirklippold.com or 775-684-9197. Lippold, USN (Ret.) was the Commanding Officer of the *USS Cole* when it came under a suicide terrorist attack by al Qaeda in the port of Aden, Yemen. Lippold is a top expert that has been featured on every major news network, bringing thoughtful and common sense analysis on national security issues and world events.

Portman, Bennet Introduce Carbon Capture Legislation – Sens. Rob Portman and Michael Bennet reintroduced the Carbon Capture Improvement Act which provides a carbon capture projects eligibility for a low cost financing mechanism available for other types of infrastructure projects. The Carbon Capture Improvement Act would allow businesses to use private activity bonds (PABs) issued by local or state governments to finance a carbon capture project. These bonds are beneficial to consumers and businesses because they are tax-exempt and can be paid back over a longer period of time. If more than 65% of carbon dioxide emissions from a given facility are captured and injected

underground, then 100% of the eligible equipment can be financed with PABs. If less than 65% is captured and sequestered, then tax-exempt financing is permitted on a pro-rated basis. PABs have been used for decades to finance pollution control equipment at U.S. power and industrial facilities; capturing carbon dioxide is a logical next step. The bill text is available [HERE](#).

ON THE SCHEDULE THIS WEEK

House Science to Hold Field Hearing on Hurricane Resilience – The House Science field hearing this morning at the Houston Community College West Loop at 10:00 a.m. CST on improving hurricane resiliency through research.

Senate Energy Looks at Park Maintenance – The Senate Energy Committee holds a hearing tomorrow at 9:30 a.m. on deferred maintenance needs and potential solutions on federal lands administered by the Interior Department and the U.S. Forest Service. Witnesses include Interior’s Scott Cameron, Lenise Lago of the US Forest Service, Dan Puskar of the Public Lands Alliance, Coconino County, AZ Board of Supervisors Liz Archuleta and Jessica Wahl of the Outdoor Recreation Roundtable.

CSIS to Look at SE Asia Energy, Infrastructure – Tomorrow at 9:30 a.m., the Center for Strategic & International Studies’ Southeast Asia Program [releases a new status report](#) on Southeast Asia energy and infrastructure initiatives. In July 2018, Secretary of State Mike Pompeo announced \$113 million for new economic and energy initiatives to flesh out the administration’s Free and Open Indo-Pacific Strategy. These announcements included nearly \$50 million for Asia EDGE, an initiative to promote energy security and develop energy markets, and \$30 million for an initiative to boost infrastructure investment through financial and technical assistance to partner countries. Nearly one year later, the forum will look at what impact these initiatives have had for U.S. engagement in Southeast Asia.

AEI Forum to Look at Environmental Investing – The American Enterprise Institute [hosts a panel](#) of experts tomorrow to address ESG investing and related issues. The drive for environmental, social, and governance (ESG) investing is an expanded form of a long-standing effort to use private investments to further specific policy or social goals. In some contexts, investors, participants in pension funds, and current and future retirees can direct their investments in ways reflecting their preferences on policy goals and their preferred trade-offs between those goals and a maximization of the value of their assets. In other contexts, it is far more difficult for them to do so, and a significant effort by asset managers to engage in ESG investing can be deeply problematic as a tool to use other people’s money in ways not reflecting their preferences.

Forum to Look at Energy Storage – Tomorrow at Noon in 2044 Rayburn, the Grid Innovation Caucus will hold a [forum](#) on large scale energy storage systems and how they can help integrate renewable energy resources and improve the efficiency of the power grid, while maintaining or improving grid reliability and resilience. The speakers at this briefing are recognized leaders in the field of energy storage research. They will provide details on the current status of energy storage research and more importantly what we as a country need to do to bring these projects from the research bed to full scale realization and deployment. Rep. Jerry McNerney will speak, followed by a panel that includes NREL’s Paul Denholm and Brian Miller, as well as Ray Hohenstein of Fluence (a Siemens/AES Company) and Energy Storage Association Policy expert Jason Burwen.

Holmstead to Headline Panel – The Regulatory Transparency Project will [hold a forum](#) tomorrow at 12:00 p.m. on National Press Club for a discussion of the relevance of agency rulemaking featuring Bracewell’s Jeff Holmstead as moderator. Holmstead’s panel will include Prof. Donald Kochan of Chapman U, Prof. Robert Percival of the University of Maryland and Cato’s Andrew Grossman.

Renewable Finance Conference Set – ACORE holds its annual [REFF-Wall Street conference](#) tomorrow and Wednesday at the InterContinental Barclay Hotel in New York City. The event will focus on the evolving policy landscape and important shifts in the approach to electric power sales and distribution. Our friend Greg Wetstone Leads the long list of finance/tax speakers.

CRES Forum Looks at Climate – The Citizens for Responsible Energy Solutions holds a forum on Wednesday at 8:30 a.m. in the U.S. Capitol Visitor Center to discuss climate issues.

Climate change policy is driving news headlines and being seriously debated again on Capitol Hill. Conservatives are reaffirming leadership on clean energy and asserting strong positions on innovative, technology neutral, and market-based approaches to reducing emissions. The CRES Forum will discuss both the technologies and policies needed to reduce emissions and maintain a comparative advantage in clean energy. The goal of the discussion is to identify state and federal solutions that are market-based, actionable and will empower individuals and businesses to choose clean energy and make informed decisions that result in near-term emissions reductions.

House Energy Panel to Look at Pipeline Safety Proposals – The Energy Subcommittee of the House Committee on Energy & Commerce holds a legislative hearing on Wednesday at 10:30 a.m. in 2322 Rayburn looking at current pipeline safety proposals. AGA's Christina Sames, INGAA's CJ Osman and Assn of Oil Pipelines CEO Andy Black all testify.

POLITICO Experts to Look at Pipeline – POLITICO Pro Canada holds a briefing on Wednesday at 11:00 a.m. to discuss the Trans Mountain Pipeline and Energy Politics in Canada. The event will be an exclusive live discussion with Pro Canada Editor, Alex Panetta, and reporter Lauren Gardner. They will discuss this evolving policy debate. The call will also explore a bill that would change the approval process for pipelines and energy infrastructure (Bill C-69). It has passed the Canadian House and is being studied in the Senate.

House Science Looks at Fossil Energy Research – The House Science, Space & Technology Committee's Subcommittee on Energy will convene a hearing Wednesday at 2:00 p.m. on fossil energy research and how it can enable a clean energy future. Witnesses include Carbon Utilization Research Council head Shannon Angielski, EDF's Elgie Holstein, Jeff Bobeck of C2ES, Erin Burns of Carbon180 and Sandia Labs' Erik Webb.

Forum to Look at Energy Jobs – The Congressional Hispanic Leadership Institute holds a forum on Wednesday at 3:00 p.m. in 2045 Rayburn on energy jobs. Speakers will cover topics that touch on the various ways energy is transitioning today's workforce and infrastructure. Speakers will also share their points of view on what companies and the government may consider improving the U.S.'s global competitiveness in areas in which energy is affecting (positive/negative) the workforce, infrastructure, climate change, electric vehicles, among others. Congressional Speakers include Reps. Mario Diaz-Balart (FL), Henry Cuellar (TX), Bill Flores (TX) and Vicente Gonzalez (TX). The Keynote speakers will be DOE's James Campos, Director of the Office of Economic Impact & Diversity.

Brookings to Look at Carbon Pricing – On Thursday at 9:00 a.m., the Brookings Institution holds a forum on carbon pricing proposals. Lawmakers from both parties are increasingly proposing new legislation with a price on carbon at its center. This event will showcase the policy ideas of two such climate thought leaders in Congress, U.S. Sen. Chris Coons (D-Del.) and U.S. Rep. Francis Rooney (R-Fla.), to explore the potential for common ground on the polarized but critical issue of reducing the risk of dangerous climatic disruption. We will discuss such questions as how best to use the revenue from a carbon price, how to protect emissions-intensive trade-exposed industries, and how to build enduring bipartisan support for climate action.

Senate Energy Looks at Geothermal – The Senate Energy Committee will hold a hearing on Thursday at 10:00 a.m. to examine opportunities and challenges for advanced geothermal energy development in the United States. Witnesses include DOE's Dan Simmons (head of EERE), Interior's New Mexico BLM director Tim Spisak, Fervo Energy CEO Tim Latimer, Paul Thomsen of Ormat Technologies and NREL's Katherine Young.

House Energy Reviews CAFE Rules – The House Energy & Commerce Committee Subcommittees on Consumer Protection and Environment will hold a joint hearing on the Trump Administration's efforts to revise Corporate Average Fuel Economy (CAFE) standards and carbon pollution regulations from light duty cars and trucks. EPA's Bill Wehrum, NHTSA Deputy Administrator Heidi King and California Air Resources Board Chair Mary Nichols all will testify.

Resources to Look at Oil, Gas Leasing Issues – The House Natural Resources Committee's Subcommittee on Energy and Mineral Resources will hold a legislative hearing on Thursday at 10:00 a.m. looking at oil and gas development, looking at community input and public participation in leasing decisions. They will look at HR 3225 (Rep. Levin), which amends

the Mineral Leasing Act to make certain adjustments in leasing on Federal lands for oil and gas drilling, and for other purposes. "Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019."

Forum to Look at Renewable Tax Credits, New Research – On Thursday at 11:30 a.m. in 203-02 of the U.S. Capitol Visitor Center, Columbia's Center on Global Energy Policy examines the renewable electricity production and investment tax credits and offers design principles for future clean electricity tax incentives. Bloomberg Environment reporter Abby Smith, Dr. Julio Friedmann and Dr. Noah Kaufman discuss new research and the next generation of federal clean electricity tax credits. Topics will include general principles for the design of clean electricity tax incentives, the support needed for key technologies, and the role of clean electricity tax credits in addressing climate risks and other public policy concerns.

API Economist to Look at Global Energy Issues – The National Economists Club holds a luncheon discussion Thursday at Noon with API's Dean Foreman looking at the global energy situation.

CSIS Forum Looks at Japan, Infrastructure – The Center for Strategic and International Studies holds a discussion on Friday at 9:00 a.m. looking at sustainability through quality infrastructure. The event will focus on the pathways ahead of the Osaka G20 Summit. CSIS, with generous support from the Ministry of Foreign Affairs of Japan, undertook a comprehensive research study to examine the importance of transparency and sustainability in achieving quality infrastructure, the findings from which have been captured in a short policy brief. Through this public event, CSIS and its panel will share insights that build on the emerging consensus among G20 member states ahead of the Osaka summit. The inputs and recommendations of the policy brief will enable more quality infrastructure.

Energy Economists June Lunch to Look at Workforce – On Friday, the National Capital Area US Assn of Energy Economists holds its June Luncheon on the energy workforce in transition. Joel Yudken, founder of High Road Strategies, will present with a focus on manufacturing, energy and workforce issues.

Hill Forum to Look at PFAS – Several groups including the American Water Works Assn and Environmental Working Group will hold a Capitol Hill forum on Friday at Noon in G50 Dirksen looking at per-fluoroalkyl and poly-fluoroalkyl substances (PFAS). Speakers include former EPA Water Chief, now at AWWA, Tracy Mehan and EWG's Scott Faber.

IN THE FUTURE

CSIS to Detail Energy Reports – The CSIS Energy & National Security Program launch two reports as part of its Energy in America series next Tuesday, one on *The Changing Role of Energy in the U.S. Economy*; and *Energy as a Source of Economic and Social Mobility*. Over the last decade, the energy landscape in the United States has shifted in some consequential ways. Going forward, the energy sector changes and energy policy developments are likely to play an important role in the economic and societal well-being of many regions around the country. *The Changing Role of Energy in the U.S. Economy* provides insights into the role of energy in the U.S. economy at the national, regional, and local levels; the economic consequences of multiple energy pathways; the distributional impacts of various energy policies; and the anticipated economic consequences of technological change in the energy sector. *Energy as a Source of Economic and Social Mobility* examines how energy creates economic and social opportunity through jobs, innovation, and improved living standards. Increasingly, it is no longer enough to demonstrate energy policy's net economic benefits - policies are often expected to account for preexisting inequities, consider distributive consequences, and create economic opportunity. This study evaluates policies and strategies designed to harness various kinds of energy development as sources of U.S. economic growth and social mobility. Panelists will take a closer look at what is working—and what isn't—in U.S. energy policy as the relationship between energy and the U.S. economy evolves, and features Harvard's Joseph Aldy, Mary Alice McCarthy of New America and David Hart of the George Mason University School of Policy and Government and Nonresident Senior Fellow at Brookings.

Forum to Look at Local Solar Issues – The DC Department of Consumer & Regulatory Affairs holds a forum next Tuesday on a broad array of solar topics. Presentations will range from common rooftop design issues such as storm water, green area ratio, and setback to available community solar programs for citizens in the District. The discussion will also include how all these initiatives impact our local grid.

Forum to Tackle Carbon Capture Details – The Carbon Utilization Research Council (CURC), the Global CCS Institute, and the Carbon Capture Coalition continue their [Carbon Lunches - A Carbon Capture 101 Briefings Series](#) next Tuesday at Noon. The briefings will provide an introduction to carbon capture, use, and storage, and how this suite of technologies can deliver steep emissions reductions alongside other clean and renewable sources of energy in the transition to a zero-carbon economy, while supporting clean energy production and creating high-wage energy, industrial, and manufacturing jobs. The first briefing provided an introduction into carbon capture and its role in the energy transition, while this briefing will focus on technology applications. Congressional Speakers include Reps. David McKinley ((R-WV) and Marc Veasey (D-TX). Presentations include one on U.S. Efforts on Carbon Capture, Utilization & Storage from DOE's John Litynski, Impact of Section 45Q Legislation from CURC's Angielski and the Global Status of Carbon Capture and Storage from Lee Beck of the Global Carbon Capture & Storage Institute.

Equinor Presents Energy Perspectives – The CSIS Energy & National Security Program holds a forum on Tuesday June 25th at 2:00 p.m. hosting Eirik Wærness (Equinor) to present Equinor's *Energy Perspectives 2019*. The discussion will be moderated by Nikos Tsafos (CSIS). *Energy Perspectives* provides a broad perspective on macroeconomics and global energy markets to 2050, analyzing relevant trends, climate policy impacts, energy sources, sectors, and regions across three very different scenarios – *Reform*, *Renewal* and *Rivalry*. Recent indicators show diverging paths in energy market developments in terms of economic growth, energy demand, energy efficiency, technology development and geopolitics. Two of the scenarios illustrate where the world may move if current trends continue, while *Renewal* shows where the world needs to move to limit global warming to well below 2°C. This year, *Renewal* is complemented with two sensitivities: (1) the IPCC's 1.5° report; and (2) the effects of delayed policy action to 2025.

Forum to Look at Microgrids – The United States Energy Association [holds a forum](#) on Wednesday June 26th at 10:00 a.m. looking at microgrids and their importance to help enhanced grid reliability and resilience. To accelerate their widespread adoption, the DOE Microgrid R&D Program has undertaken grid integration R&D to further the microgrid value streams that can be realized both within the microgrid service territory and beyond to provide valued services for the interconnected grid. This presentation will highlight the ongoing DOE microgrid activities for enhanced grid reliability and resilience. The speaker will be DOE's Dan Ton.

Central, Eastern European Energy Security Conference Set – On Wednesday, June 26th at 12:30 p.m., the Atlantic Council holds the 5th rendition of the [CEE conference](#). Esteemed panelists and moderators will discuss and debate current Central and Eastern European energy policy, the transatlantic energy security nexus, and the movement towards European energy independence.

CSIS to Release Energy Outlook – The CSIS Energy & National Security Program will [hold a forum](#) on Thursday June 27th at 8:30 a.m. for the U.S. launch of BloombergNEF's New Energy Outlook 2019. The New Energy Outlook 2019 will be presented by Seb Henbest, New Energy Outlook Lead Author and Head of Europe, Middle East & Africa at BloombergNEF. New Energy Outlook is BloombergNEF's annual economic forecast for the world's power sector. Built over nine months, it is the result of international collaboration between 65 market and technical experts from BloombergNEF's 11 offices.

Senate Energy Committee Looks at Nuclear Waste Storage – The Senate Energy Committee will hold a hearing on Thursday, June 27th at 10:00 a.m. to examine options for the interim and long-term storage of nuclear waste and to consider S. 1234, the Nuclear Waste Administration Act.

Climate Change Forum Look s at What Should We All Do Now – On Thursday, June 27th at 3:00 p.m., the US Energy Association [hosts a forum](#) on climate change action and what we can do about it. Speakers include ClearPath's Rich Powell, Fatima Maria Ahmad of the House Select Committee on the Climate Crisis, USEA's Elliot Roseman, Dr. Karl Hausker of WRI and Brenda Ekwurzel of the Union of Concerned Scientists.

AAAS Forum Looking Beyond Electricity – On Friday, June 28th, the American Association for the Advancement of Science holds a day-long conference on low- and zero-carbon technology and policy options exist to decarbonize the electricity sector, but fewer obvious solutions are available for other sectors, which account for about 75% of total U.S.

greenhouse gas emissions. This one-day symposium will examine possible technology and policy options as well as challenges in mitigating greenhouse gas emissions in difficult-to-decarbonize sectors such as industry, transportation and agriculture. Moreover, the symposium aims to break down traditional sectoral silos, presenting a unique forum for participants to interact with experts from multiple disciplines.

July 4th Congressional Work Period – June 28th to July 7th

RFF to Release Global Energy Outlook – On Monday July 1st at 12:00 Noon, Resources for the Future (RFF) hosts the launch of the [2019 Global Energy Outlook: The Next Generation of Energy](#), RFF’s annual review of global energy market projections by leading international energy organizations and corporations around the world. The only such report of its kind, RFF’s 2019 Global Energy Outlook harmonizes analyses from other organizations to allow for a clear understanding and easy comparison of potential future energy markets, energy security scenarios, climate trajectories, and policy options at global, regional, and national levels. The report is accompanied by an interactive web tool, which allows users to visualize, compare, and download harmonized data from each projection. Register now to attend an in-depth conversation on the 2019 Global Energy Outlook with RFF President Richard G. Newell, RFF Senior Research Associate Daniel Raimi, and Center for Strategic & International Studies (CSIS) Senior Vice President Sarah Ladislaw, moderated by Axios Energy Reporter Ben Geman. Panelists will explore some of the potential outlooks for energy markets, such as coal consumption in China, oil consumption in India, solar power in the United States, and associated carbon dioxide emissions.

Clean Energy Expo Set – The 21st Annual Congressional Renewable Energy and Energy Efficiency EXPO and Policy Forum is set for Thursday July 11th to showcase renewable energy and energy efficiency technologies. In every state across the country, these technologies are having a significant impact in business development and job creation in the manufacturing, transmission, power, transportation, and building sectors. The bipartisan House Renewable Energy & Energy Efficiency Caucus is the Expo's honorary co-host.

Chamber Energy Groups Sets Innovation Forum – The U.S. Chamber's Global Energy Institute hosts “EnergyInnovates: All In” on July 31st. The event will showcase innovators, projects, and technologies that have shaped today’s energy landscape – and are laying the groundwork for the future. It will also feature key industry executives and employees, high-level officials, and notable energy experts.

FRANK MAISANO

Senior Principal

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 6/19/2019 9:13:00 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: New Power Plant Rule Primer, Sources

Friends,

Great to see many of you today at the EPA for the final ACE rule signing. I thought you would like a bunch of good details/resources all in one place as you continue your coverage of this issue. My colleagues Jeff Holmstead and Scott Segal are happy to discuss the issue and address any of your question, provide context and background information.

Scott Segal
 Jeff Holmstead

Ex. 6 Personal Privacy (PP)

Quick points from Holmstead:

- There will be lawsuits from lots of folks who are eager to show that they will fight the Trump Administration on anything having to do with climate change, but I think these lawsuits should be viewed as political statements rather than serious legal challenges. Trump opponents can make impassioned arguments about climate change, but it's hard to see what their legal arguments will be.
- On the key issue, EPA has simply gone back to the position that EPA had always taken until the Clean Power Plan came along. EPA had taken this position for more than 40 years, and the courts have always upheld it. Even the Obama Administration didn't say that their position was the only way to interpret the law. They simply said that their new interpretation was a permissible one. Trump opponents will have to argue that the Obama position is the only acceptable one, and they will have a real uphill battle in court.

Primer

EPA issued the final Affordable Clean Energy (ACE) rule – replacing the prior administration's overreaching Clean Power Plan (CPP) with a rule that restores the rule of law and empowers states to continue to reduce emissions while providing affordable and reliable energy for all Americans. The final rule is the culmination of a review of the CPP, which followed challenges from a large number of states, trade associations, rural electric co-ops, and labor unions who argued that the CPP exceeded EPA's authority under the Clean Air Act, and led to an unprecedented stay of the Obama rule by the Supreme Court in 2016.

- The text of the final rule is here: https://www.epa.gov/sites/production/files/2019-06/documents/frn_ace_2060-at67_final_rule_20190618disc.pdf
- Fact sheet: https://www.epa.gov/sites/production/files/2019-06/documents/bser_and_eg_fact_sheet_6.18.19_final.pdf
- Emissions trends under ACE: https://www.epa.gov/sites/production/files/2019-06/documents/ace_co2_trends_6.18.19_final.pdf
- Fact sheet on the RIA: https://www.epa.gov/sites/production/files/2019-06/documents/ace_ria_fact_sheet_6.18.19_final.pdf
- Fact sheet on CPP repeal: https://www.epa.gov/sites/production/files/2019-06/documents/cpp_repeal_fact_sheet_6.18.19_final.pdf
- Fact sheet on revised 111d implementing regulations: https://www.epa.gov/sites/production/files/2019-06/documents/111d_implementing_regulations_fact_6.18.19_final.pdf

Other Comments

WV AG Morrisey Says States Will See Flexibility, Respect – West Virginia AG Patrick Morrisey and a 27-state coalition applauded President Trump’s proposed replacement of the Clean Power Plan. The AG said the Affordable Clean Energy rule is far preferable to the patently unlawful regime sought by the Obama-era Power Plan. His office will thoroughly review the rule for full compliance with the law. “The Obama-era Power Plan sought to devastate West Virginia coal miners, but our office led the nationwide fight and stopped it at the U.S. Supreme Court,” Attorney General Morrisey said. “That was a crucial victory for West Virginia, but our fight knows no end. We remain a steadfast leader on the national stage and will review the ACE rule thoroughly to ensure that it respects coal miners and the livelihoods of those who depend upon their success. The Affordable Clean Energy rule will respect the important role of states in regulating energy and air quality. It is a significant step forward in embracing Congress’ intent for cooperation between the state and federal governments, correcting the Obama-era, one-size-fits-all model that promised to devastate coal communities across the state and nation. Such cooperation restores each state’s authority to consider factors specific to the energy needs and facilities in their borders, including costs, practical achievability and the useful life of any particular power plant.

Chamber Comments – While PA Chamber head Kevin Sunday spoke at the event at EPA, GEI head Christopher Guith said the ACE rule will help “continue the trend of declining electric power sector emissions while preserving America’s energy leadership and respecting the law. We commend the Administration not only for its efforts to replace the unlawful Clean Power Plan with a regulatory framework for addressing greenhouse gas emissions from the power sector, but also for doing so by engaging with all stakeholders in a thorough and collaborative process. While we will thoroughly review the final text, we are particularly pleased that the final ACE rule establishes guidelines emphasizing cooperation with states and encouraging the deployment of innovative technologies and practices to reduce greenhouse gas emissions from existing power plants in a manner that is practical, achievable, and consistent with the Clean Air Act. The ACE rule represents an important step by the Administration, working with states, and the private sector to lower greenhouse gas emissions.”

NRECA Says Rule Promotes Flexibility, Certainty – EPA’s ACE rule provides flexibility and certainty while addressing carbon emissions from existing power sources, NRECA CEO Jim Matheson said. “Electric cooperatives have invested billions of dollars in diverse energy sources and emission-reduction technology to meet the electricity needs of their local communities while protecting the environment. The final ACE rule gives electric cooperatives the ability to adopt evolving technology and respond to market and consumer demands while continuing to serve as engines of economic development for one in eight Americans.” Electric cooperatives have reduced emissions from their electric generation sources significantly since 2009 and are investing in research to develop proven carbon capture, storage and reuse technology that can extend the operation of fossil fuel power plants. In comments that were filed on the rule, NRECA encouraged EPA to adhere to its proposal to regulate “within the fence line” of a facility by allowing states to make assessments based on federal guidelines at each power plant regarding additional steps that may be required to reduce emissions. EPA’s final rule follows this suggestion.

Former Obama EPA Head Rips New Rule – Former Obama EPA Administrator Gina McCarthy slammed the Trump EPA’s new power plant rule for gutting the rules she had put forward to combat carbon dioxide emissions that are contributing to climate change. “I believe this is the first rule in EPA’s history that acknowledges the existential threat of climate change but by the agency’s own admission does absolutely nothing to stop it,” she said in a statement. “The Trump administration has made painfully clear that they are incapable of rising to the challenge and tackling this crisis. They have shown a callous disregard for EPA’s mission, a pattern of climate science denial, and an inexcusable indifference to the consequences of climate change.”

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 2/25/2019 7:00:39 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Feb 25 PRG Energy Update: GND, Wheeler Votes, Climate Hearings Abound

Friends,

With last night's Oscars, *Bohemian Rhapsody* scored well again along with *Roma* and *Green Book*. *Green Book*, a movie about an interracial friendship in the civil rights-era Deep South, was a surprise winner of best picture for 2018 at the 91st Academy Awards, also taking best original screenplay and best supporting actor for Mahershala Ali's performance as classical and jazz musician/composer Don Shirley. Rami Malek won best actor for his performance as Freddie Mercury, lead singer for the classic rock group *Queen*, in the hit musical biopic *Bohemian Rhapsody*. He also thanked the surviving members of *Queen* "for allowing me to be the tiniest part of your phenomenal, extraordinary legacy." *A Star Is Born* was left hanging again other than the great song *Shallow*, which won the Oscar for best song following one of the ceremony's high points when Lady Gaga and Bradley Cooper jumped onstage and re-created their duet from the film.

I don't know what you think, but the host-less Oscar ceremony felt a little more streamlined and energetic than usual, as we were spared the lame, predictable opening goofs, the running monologue pretending to make fun of the stars and short quips across the night that never quite land – especially about politics. The night was protracted, of course, but less irritating than it might have been, ending around 11:15 p.m.

Enough of that... Back to the action, it seems like there are about "300" hearings on climate change this week – some of them silly – as the new Democratic Majority sows its oats on the issue. But more importantly, there are potential Senate votes this week on the Green New Deal resolution and EPA Administrator Wheeler as early as tomorrow, but probably by Thursday. We are following closely and are happy to help with timing, substance or policy impact.

As for the hearings, the most important might be tomorrow's House Energy Oversight panel discussion of EPA enforcement activity at 10:30 a.m. As you know, Democrats, former EPA official Janet McCabe and environmentalists have been arguing enforcement has dropped, but I suspect EPA enforcement chief Susan Bodine will be ready for that approach.

Other good hearings include tomorrow's House Science hearing on APRA-E with former director Arun Majumdar and House Transportation in 210 House CVC focused on the role the transportation sector plays in global warming, mitigation and resilience. On Wednesday, Senate Environment is looking at the USE IT Act and CCS technologies, while the House Energy Panel addresses the diverse clean energy workforce and Blue Collar-to-Green Collar Jobs. Then Thursday, Senate Energy hosts IEA head Fatih Birol for the World Energy Outlook, while House Energy looks at the Paris Agreement.

Other events include the tomorrow's New America [workshop](#) focused on technologies for improving disaster risk reduction and resilience for vulnerable and underserved populations and American Action Forum's [discussion](#) on the future of clean energy. On Wednesday, two [Stanford Institutes](#) look at a reset of nuclear waste management. EPA holds its WOTUS public hearing on Wednesday afternoon and Thursday while [GWU](#) and [CZES](#) hosts Sen Carper and experts from DTE and Equinor bipartisan efforts on climate Thursday at Noon. Finally Friday, CSIS's [Energy & National Security Program is hosting](#) Birol to present IEA's Energy Outlook and then a panel with the State Dept's Frank Fannon, Hess Corporation head John Hess and for EPA head Bill Reilly.

Finally, I will be out on Friday because we are taking Adam to UNH for a visit as he makes his final college choice. While we are there, we are catching Hannah's Wellesley Lax season opener – and celebrating her 21st Birthday!!!! Can you believe that?

Call with questions.

Best,

Frank Maisano
(202) 828-5864
C. (202) 997-5932

FRANKLY SPOKEN

"You come in here and you say it has to be my way or the highway. I don't respond to that. I've gotten elected. I just ran. I was elected by almost a million vote plurality and I know what I'm doing. Maybe people should listen a little bit."

Senator Diane Feinstein to Sunrise Movement activists in a meeting in San Francisco on the Green New Deal.

ON THE POD

RFF Looks at Shale Revolution in Podcast – Resources for the Future highlights the Shale revolution in its recent podcast where RFF's Daniel Raimi gives a balanced and accessible view of oil and gas development, drawing on both scholarly literature and his travels to every major oil- and gas-producing region in the United States

FUN OPINIONS

WaPo Ed Board Weighs in on Green New Deal – In a new editorial, the *Washington Post* says the Green New Deal proposed by Congressional Democrats Sen. Edward J. Markey (D-Mass.) and Rep. Alexandria Ocasio-Cortez is not efficient, effective, focused and achievable. While *the Post* says they are right that the entire energy sector must be reshaped, the goal is so monumental that the country cannot afford to waste dollars in its pursuit. If the market can redirect spending most efficiently, money should not be misallocated on vast new government spending or mandates. The Board then proposes a series of editorials where they propose their own Green New Deal which relies both on smart government intervention — and on transforming the relentless power of the market from an obstacle to a centerpiece of the solution.

To glimpse what they mean, *The Post* proposes to "take a brief trip with us to Dominion Energy's Cove Point plant on the Chesapeake Bay's western shore where the Giant natural-gas storage tanks offer a warning of how the U.S. government must step up its efforts to combat global warming — but also of how environmentalists and politicians who claim to know how to do that are generally unable to predict how technology and practice will develop. The plant is a reminder that big change is far easier when you get the market to work with you, rather than against you."

IN THE NEWS

Vogtle May Finish Ahead of Schedule – Southern Company said the Vogtle nuclear plant expansion in Georgia is about 74% complete and remains on track to meet, if not beat, the regulatory approved in-service dates for new units 3 and 4. The new reactors are scheduled to come online November 2021 and November 2022, respectively, but Georgia Power -- a Southern Company utility subsidiary and majority owner of Vogtle -- has been focused on ramping up productivity at the site to bring the units online as early as April 2021 and April 2022.

CO2 Up slightly, Other Emissions Down – New emissions data from EPA said that estimated that carbon dioxide from the U.S. power sector rose slightly after a decade of reductions. EPA estimates an emissions rose by just over half a percent while power generation increased 5% in 2018, leading EPA officials to view the smaller increase in CO2 pollution as a success. Overall, the EPA said carbon dioxide emissions from power plants have dropped since 2011 by about 20%. The EPA's preliminary 2018 emissions data also show lower emissions of nitrogen oxides and sulfur dioxides by 3.8% and 5.9%, respectively.

Perry Appoints Energy Board – Secretary of Energy Rick Perry announced the first members of his Secretary of Energy Advisory Board (SEAB). The SEAB has historically provided advice and recommendations to the Secretary of Energy on the priorities for the Department of Energy including: promoting America’s energy security, spurring innovation, reducing regulatory burden, restoring the nuclear security enterprise and enhancing national security through the military application of nuclear science and any other activities and operations of the Department of Energy as the Secretary may direct. Details on the first meeting of the SEAB will be forthcoming. Secretary Perry’s SEAB will include the following individuals:

- [Norman R. Augustine](#), Retired Chairman and CEO, Lockheed Martin Corporation
- [David H. Dewhurst](#), Co-founder, Chairman & CEO Falcon Seaboard
- [Vicki Hollub](#), President & CEO, Occidental Petroleum
- [David Lockwood](#), Former Chairman & CEO, Energy Solutions, Inc.
- [Richard W. Mies](#), Admiral U.S. Navy (Ret.)
- [Pedro J. Pizarro](#), President & CEO, Edison International
- [Dr. Samantha Ravich](#), Chair of the Center on Cyber and Technology Innovation at the Foundation for Defense of Democracies
- [Dr. Daniel Yergin](#), Vice Chairman, IHS Markit

Energy Announces \$28 Million for Offshore Wind Energy – DOE [announced up to \\$28 million in funding](#) for a new Advanced Research Projects Agency-Energy (ARPA-E) program, Aerodynamic Turbines, Lighter and Afloat, with Nautical Technologies and Integrated Servo-control (ATLANTIS). ATLANTIS projects will develop new technologies for floating, offshore wind turbines (FOWTs) using the discipline of control co-design (CCD). Control co-design methodologies bring together diverse engineering disciplines to work concurrently while designing a device, instead of in sequential steps. The CCD approach enables project teams to develop new ways to build FOWTs that would not be possible using a traditional design approach. Much of the United States’ best offshore wind resources are found in waters too deep for traditional offshore wind turbines, which are fixed to the sea floor. Floating turbines introduce a new set of technical challenges, however. To be successful, ATLANTIS projects will require design approaches that maximize power to weight ratios while maintaining or increasing turbine efficiency. ATLANTIS encourages collaboration, calling on scientists, engineers, and practitioners from different disciplines, technology sectors, and organizations to form diverse and experienced project teams. ARPA-E projects are intended to facilitate scientific and technological discoveries that a single group alone would not be able to achieve. For more information on ARPA-E’s ATLANTIS program, click [here](#).

Former Senator to Advocate for Iowa Wind – Former Iowa Sen. Jeff Danielson says he will be a regional state policy director for the American Wind Energy Association. Danielson, who unexpectedly resigned Feb. 14 after 15 years in the Senate, says in a statement released Friday he will lobby to help expand wind power in the organization’s 12-state central region.

ON THE SCHEDULE THIS WEEK

Utility Conference Set for SD – The 22nd Annual [Energy Utility Environment Conference](#) will be held in San Diego Convention Center in California today and tomorrow. DOE’s Lou Hrkman is among the speakers.

Public Power Advocates Head to Hill – The American Public Power Assn holds its [2019 Legislative Rally](#) will be held today through Wednesday at the Mayflower Hotel in Washington, D.C. A schedule of events can be found [here](#).

Forum on Storage Set for SF – The 12th annual [Storage Week](#) will be held today through Wednesday in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

Carper to Headline Climate Forum – Today at 2:00 p.m., the Environmental and Energy Study Institute (EESI), Union of Concerned Scientists (UCS), and National Wildlife Federation (NWF) [host a briefing](#) on the latest climate change findings, as reported by leading scientists in the 4th National Climate Assessment (NCA) and the Intergovernmental Panel on

Climate Change's (IPCC) Special Report. Speakers for this forum are Sen. Tom Carper, Katharine Hayhoe of the Climate Science Center at Texas Tech University and UCS's Brenda Ekwurzel.

Forum Look at Nigerian Grid, Energy – Today at 2:00 p.m., Johns Hopkins University hosts a forum on decentralized clean energy, which systems will play a major role in closing Nigeria's energy access gap due to grid limitations. A large proportion of Nigeria's 117 million people either are unconnected to the national grid or frustrated by intermittent power. The national grid failure, however, creates enormous opportunities for distributed energy services companies to connect businesses, institutions, and households to standalone solar systems and mini-grids as captive power solutions. The speaker is Hannah Kabir is the founder and CEO of Creeds Energy, a renewable energy services and solutions provider which installs reliable energy for the underserved and unserved in Nigeria.

CSIS to Host India Energy Forum – Today at 4:00 p.m., the Wadhvani Chair in U.S.-India Studies and the Energy and National Security Program at CSIS are hosting India's Secretary at the Ministry of New and Renewable Energy Anand Kumar to unpack the role of center-state relations in achieving the target of 175 GW of renewable energy by 2022. He will also highlight opportunities for how U.S. stakeholders can engage India and its states to help them meet their targets.

Forum Looks at Disaster Tech for Resilient People – New America hosts a workshop tomorrow at 9:00 a.m. focused on technologies for improving disaster risk reduction and resilience for vulnerable and underserved populations. This meeting will bring together innovators, emergency managers, policymakers, and storytellers to discuss new understandings, possibilities, partnerships, and technologies within the context of evolving natural hazards, risks, and vulnerabilities.

Senate Energy to Look at Territories – The Senate Energy Committee hold a hearing tomorrow at 10:00 a.m. to examine the state of the U.S. territories. Witnesses will include the Governors of all the territories: Ricardo Rosselló of Puerto Rico, Leon Guerrero of Guam, Lolo Matalasi Moliga of American Samoa, Albert Bryan of the U.S. Virgin Islands and Ralph Deleon Guerrero Torres of the Commonwealth of the Northern Mariana Islands.

House Approps Panel to Look at Climate Research – The House Appropriations Commerce, Justice, Science panel holds a hearing at 10:00 a.m. on understanding the changing climate system and the role of climate research. Witnesses will include NASA's Earth Science Division Director Michael Freilich and Neil Jacobs, Assistant Secretary of Commerce for Environmental Observation and Prediction.

House Transpo to Look at Climate, Resilience – House Transportation holds a hearing tomorrow at 10:00 a.m. in 210 House CVC that will examine the role the transportation sector plays in global warming and explore a dual track approach of mitigation and resiliency.

House Resources Water Panel to Look at Water Supply – The House Resources subpanel on Water, Oceans and Wildlife holds a hearing at 10:00 a.m. on the state of water supply reliability in the 21st Century.

House Science Panels to Look at Climate/Oceans, ARPA-E – The House Science Environment Subcommittee holds a hearings at 10:00 a.m. tomorrow on the future of ARPA-E featuring former Director Arun Majumdar and then, on Wednesday on climate change's impacts on oceans and coasts. Witnesses for the oceans hearing include Ocean Conservancy's Sarah Cooley, Columbia's Radley Horton and Margaret Pilaro of the Shellfish Growers Assn.

House Energy to Look at Enforcement – The House Energy Committee's Oversight and Investigations panel holds a hearing tomorrow at 10:30 p.m. on EPA's Enforcement Program. Witnesses will include EPA's Susan Bodine, as well as former enforcement-turned enviro gadflys Eric Schaeffer and Bruce Buckheit and Ron Tenpas, a for DOJ Environmental office head.

NAFTA, USMCA Forum Set – The US-Mexico Chamber of Commerce hosts the 18th Congressional Border Issues and NAFTA/USMCA Conference on tomorrow in DC. The conference aims to provide a venue for an open and timely

discussion on current conditions at the border and how these challenges can and should be addressed. DHS head Kristjen Nielson, Reps. Mike McCaul and Henry Cuellar will all speak.

AAF Forum Looks at Clean Energy – American Action Forum holds a forum tomorrow at 3:00 p.m. in the U.S. Capitol Visitor Center [for a panel discussion](#) on clean energy policy and the federal government's role in encouraging energy production that is friendly to both consumers and the environment. Keynoter is Sen. Environment Chair John Barrasso (R-WY) and panelists Philip Rossetti of AAF, Heritage's Nick Loris, and Bookings' Adele Morris.

Cali OSW Discussion Set – The Business Network for Offshore Wind holds an event at 5:30 p.m. at the Prohibition Lounge in San Diego where CEO Liz Burdock will make a [presentation on offshore wind in California](#).

Senate EPW to Look at 'USE IT' CCS Act – Senate Environment holds a hearing Wednesday at 10:00 a.m. on carbon capture technology. The hearing will examine the "USE IT" bill, S. 383 (116), as well as the state of technologies that reduce, capture and use carbon dioxide. The bill was reintroduced earlier this month by Chairman Barrasso and would support carbon dioxide utilization and direct air capture research, as well as collaboration of carbon capture, utilization, and sequestration facilities and carbon dioxide pipelines.

House Energy Panel Looks at Blue-Green Jobs – The House Energy and Commerce Energy Subcommittee will hold a legislative hearing on Wednesday at 10:00 a.m. on investing in a diverse clean energy workforce and the "Blue Collar to Green Collar Jobs Development Act of 2019," which subcommittee Chairman Bobby Rush introduces this week.

CSIS to Host BP Outlook – On Wednesday at 10:30 a.m., CSIS will host the [U.S. launch of 2019 BP Energy Outlook](#) with Spencer Dale, group chief economist of BP. The global energy system faces a challenge to provide significantly more energy while simultaneously reducing emissions. What forces are shaping the energy transition through 2040? The Outlook outlines BP's view on future of global energy demand—and the global energy transition—by exploring four scenarios through three lenses: sector, region, and fuel. Dale will present the scenarios of the Outlook, followed by a moderated conversation with Sarah Ladislau.

Forum to Look at Nuke Waste Report – Stanford and George Washington University [host a panel discussion of their recent report](#) on a new path to success in disposal of High-Level Radioactive Waste in the United States on Wednesday at 12:00 p.m. in 485 Russell. Highly-radioactive nuclear waste from commercial nuclear power plants and defense programs is stranded at 75 sites around the country with no path forward. Correcting this situation requires a Reset of present U.S. policy and law. Members of the Reset committee will discuss the recommendations from the Reset Report (HERE). Speakers include Stanford's Rod Ewing Saida Engström of SKB, the Swedish Nuclear Fuel and Waste Management Company.

JHU Forum Looks at Nigerian Renewable Energy Opportunities – On Wednesday at 12:30 p.m., Johns Hopkins University [hosts a forum](#) on strategies for deploying alternative energy to unleash the potential of Nigeria. Hannah Kabir is the founder and CEO of Creeds Energy, a renewable energy services and solutions provider which installs reliable energy for the underserved and unserved in Nigeria.

Senate Hearing to Look at Grid – The Senate Homeland Security Committee holds a hearing Wednesday at 2:30 p.m. on perspectives on protecting the electric grid from an Electromagnetic Pulse or Geomagnetic Disturbance.

Energy Efficiency Day Set – On Wednesday at 2:30 p.m., [Great Energy Efficiency Day \(GEED\)](#) returns to Capitol Hill featuring discussions, keynote speeches from leading policy makers and expert-led panels with key stakeholders from business, industry, and government.

Forum Looks at Office of Tech Assessment – R Street is [holding a forum](#) on Wednesday at 2:00 p.m. in 421 Cannon looking at whether Congress should revive the Office of Technology Assessment. An expert panel will discuss the latest developments in this debate, and different approaches to strengthening the capacity of the legislative branch.

NAS to Highlight Stormwater Permit Issues – On Wednesday at 3:30 p.m., the National Academy of Sciences holds a webinar on a new report on improving the EPA Multi-Sector General Permits for industrial stormwater discharges. The report identifies ways to improve the MSGP, with a focus on monitoring and retention standards and offers guidance to inform the next revision of the MSGP, expected in 2020. Access the report [here](#).

WOTUS Public Hearing Set for KC – The EPA will hold its rescheduled Clean Water Rule public hearing in Kansas City starting Wednesday afternoon at 5:00 p.m. and continuing Thursday.

DOE to Hold Light Bulb Hearing – The Energy Department holds a public hearing on proposal reversing a pair of lightbulb rules that took effect at the end of the Obama administration.

House Energy Panel to Look at Paris – The House Energy's Environment and Climate Change Subcommittee will hold a hearing on the Paris Climate Agreement on Thursday at 10:00 a.m. in the John D. Dingell Room (2123 Rayburn). The hearing, entitled "We'll Always Have Paris" will focus on entities still Committing to the Paris Agreement.

Senate Energy to Look at IEA Report – The Senate Energy Committee will hold a hearing on Thursday at 10:00 a.m. to examine prospects for global energy markets, including the role of the United States from the perspective of the International Energy Agency (IEA). It will feature IEA's Fatih Birol.

Forum to Look at New Policy – George Washington U and C2ES [hosts a forum](#) on Thursday at 2:00 p.m. in G50 Dirksen to hear from congressional leaders and top companies on the prospects for action in the 116th Congress and steps that can benefit the climate while contributing to U.S. growth and competitiveness. To help inform the deliberations ahead, C2ES will outline a broad array of options for near-term federal actions that that can reduce emissions in the near term and strengthen the foundation for longer-term solutions. Developed with input from leading businesses as part of C2ES's Climate Innovation 2050 initiative, these include steps on infrastructure, technology innovation, offshore wind, nuclear, carbon capture, efficiency, and zero-emission vehicles. Key note remarks will be made by Sen. Tom Carper and Rep. Francis Rooney. Panel speakers include DTE's Andrew Coulouris, Equinor's Geir Westgaard and Lafarge Holcim's Hicks Winters.

Forum to Discuss Internet Role in Future Energy – The U.S. Energy Association [holds a briefing](#) at 2:00 p.m. on the internet of things and maximizing returns of future power generation. This briefing will discuss how the Internet of Things (IoT) can help minimize investment risk and maximize the returns of future power generation of renewable projects in around the world. Hanno Schoklitsch will discuss ARISTOTELES, Kaiserwetter's platform, which has just recently rolled out new functionalities based on smart data, as well as predictive data analytics (incl. power curve modeling, various temperature analysis, power production forecasts etc.).

IEA, Fannon to Address CSIS – On Friday at 8:30 a.m., the Center for Strategic & International Studies [Energy & National Security Program is hosting](#) Dr. Fatih Birol, Executive Director of the International Energy Agency (IEA), present highlights of the IEA's World Energy Outlook 2018. The WEO is the IEA's annual report on the state of the energy sector from a global perspective, providing comprehensive analysis of the interplay between energy policy, markets, and technology development. Dr. Birol's presentation will be followed by a panel discussion with Frank Fannon (U.S. Department of State), John Hess (CSIS; Hess Corporation), and William Reilly (CSIS; World Wildlife Foundation), moderated by Sarah Ladislav.

Forum to Look at Military Bases, Communities – EESI and the Center for Climate and Security [host a briefing on Friday at 3:15 p.m.](#) in 2168 Rayburn (Gold Room) looking at the relationship between military facilities and their neighboring civilian communities, and on the urgent need to make their shared infrastructure more resilient to natural disasters and other threats. Our panel of experts will examine holistic approaches to protecting and maintaining supply chains, housing, transportation, utilities, and other fixtures necessary for communities to thrive and for military installations to maintain mission readiness. The briefing will also explore regional examples of these challenges and how local governments and Department of Defense (DOD) officials are working together to devise solutions. Speakers will include Rear Admiral Ann Phillips, Special Assistant to the Governor for Coastal Adaptation and Protection, State of Virginia; and

Former Principal Deputy Undersecretary of Defense John Conger and Susan Wickwire of the Henry M Jackson Foundation.

IN THE FUTURE

Forum to look at Cities, Climate Resilience – The American Society of Landscape Architects (ASLA) and the Environmental and Energy Study Institute (EESI) are hosting a forum next Monday at 2:00 p.m. in 1539 Longworth to discuss the economic, environmental and public benefits of green infrastructure. Experts from ASLA's interdisciplinary Blue Ribbon Panel on Climate Change and Resilience will discuss their report, Smart Policies for a Changing Climate, which outlines a bold vision for 21st century infrastructure investment to create healthy and resilient communities from coast to coast.

ITIF to Release Defense Energy Report – Next Tuesday, March 5th at 10:00 a.m., the Information Technology and Innovation Foundation will release of a comprehensive report on DOD's energy innovation effort and host an expert panel discussion on its relevance to the fight to reduce carbon emissions, including ways civilian agencies might better leverage DOD's investments. Speakers will include Richard Carlin of the Navy's Office of Naval Research, NREL's Jeffrey Marqusee, DOE's Conner Prochaska and Dorothy Robyn of the Boston University Institute for Sustainable Energy.

Forum to Discuss Power, Gas – S&P Global hosts its 32nd Annual Power and Gas M&A Symposium on March 5-6th in New York at the Hilton Midtown. On day two, my Colleague Scott Segal offers a view from Capitol Hill hosting state and Federal Policy Roundtable with Senate Energy staffer David Gillers and EEI's Brian Wolff. Review the recent changes in leadership at the federal level, including FERC and EPA. How is the industry preparing for the upcoming Presidential election; are there any lessons learned from the last election? Examine initiatives of the current Administration, including Clean Power Plan, subsidies, and tariffs.

AWEA Members to Go to Capitol Hill – On March 5-6, AWEA will hold Wind Power on Capitol Hill, which brings companies to Washington, D.C. to meet their representatives in the House and Senate. The event is an opportunity for AWEA members and others who want to help advance wind energy to participate in advocacy training and then put that training to work to educate legislators and their staff on the wind industry's top policy initiatives at the federal level.

Press Club to Discuss 2018 Hurricane Season – With another challenging Hurricane Season in the books, NOAA hurricane forecasting expert Dr. Gerry Bell and MIT disaster resilience expert Jeremy Gregory will discuss the impacts of the 2018 season and the status of the 2017 season rebuilding effort at a National Press Club Newsmaker on Tuesday, March 5th at 10:00 a.m. in the Club's Bloomberg Room. Bell, a hurricane climate specialist and research meteorologist at NOAA's Climate Prediction Center (CPC) in College Park, Maryland, will focus on the 2018 season impacts, climate change and what people can do to prepare for the 2019 season. Gregory, a research scientist in the Department of Civil and Environmental Engineering and the Materials Systems Laboratory at the Massachusetts Institute of Technology, is an expert on disaster resilience and rebuilding. He will focus on the 2017 rebuilding in Houston, Puerto Rico and Florida, as well as the impacts of the 2018 season on the Carolina coast and Florida Panhandle.

Forum to Look at Electrification – EESI holds a forum next Tuesday March 5th at 2:00 p.m. 1539 Longworth on increasing opportunities to electrify the economy. Beneficial electrification (or strategic electrification) is a term for replacing direct fossil fuel use (e.g., propane, heating oil, gasoline) with electricity in a way that reduces overall emissions and energy costs. This can include switching to an electric vehicle or to a high-efficiency electric heating system—as long as the end-user and the environment both benefit. Speakers will include NRECA's Keith Dennis and NRDC's

Forum to Look at India, Energy – The Johns Hopkins SAIS Energy, Resources and Environment program's Global Leaders Forum and the South Asia Studies program present on forum on India's Energy and Climate Policy on Wednesday March 6th at 5:00 p.m.

RFF to Host Carbon Pricing Discussion – Resources for The Future (RFF) will host the Future of Carbon Pricing on Wednesday March 6th at 5:30 p.m. where Dr. Gilbert Metcalf will discuss his book *Paying for Pollution: Why a Carbon Tax is Good for America*. The event will kick off with brief remarks from Metcalf about the book, followed by a moderated

conversation with economist Douglas Holtz-Eakin. The two will discuss the opportunities and challenges facing carbon pricing during the next few years, as well as lessons learned from carbon pricing around the world. Metcalf argues that there is a convergence of social, economic, environmental, and political forces that provides an opening for a new approach to climate policy, one based on market principles that can appeal to politicians across the political spectrum. After all, markets work best when the price of a good reflects all its costs.

HVACR Experts to Testify at House Energy on Efficiency – The House Energy and Commerce Energy Subcommittee will hold its rescheduled hearing on the Energy Department's efficiency standards and its Impact on consumers and the climate for Thursday March 7th at 10:00 a.m. AHRI President Steve Yurek will testify.

Refinery Annual Meeting Set – The American Fuel & Petrochemical Manufacturers (AFPM) will hold its annual meeting on March 17th to 19th at the Marriott Riverside in San Antonio. The meeting is the world's premier refining meeting, assembling key executives and technical experts from refining and marketing organizations worldwide, as well as representatives from associated industries. The general session features high profile speakers who will address current issues of widespread importance to the refining industry. During management and technical sessions, leading industry experts share valuable insights with attendees on major issues, including energy and environmental initiatives, and the latest technological developments impacting refining and petrochemical industry management and performance.

CCS Forum Set – The Global CCS Institute hosts the 8th Annual DC Forum on CCS on Tuesday, March 19th at the Ronald Reagan Building and International Trade Center looking at new perspectives for a decarbonized economy. The event brings together a diverse set of speakers from the private sector, government, and NGOs to discuss the realities of decarbonizing the American economy in an effort to fight climate change. Topics will include the business of decarbonizing, the role of government - the California strategy, hydrogen economy issues and much more.

Forum to Look at Mexican Energy Sector in First 100 Days of New President – Talanza Energy will host a forum in Houston, TX on March 20th to discuss the first 100 days of the new Mexican President and its impacts on energy. The event will look at the challenges and opportunities for the Mexican Energy sector from a risk management perspective. Speakers will include MIT's Lourdes Melgar (a former Mexican Undersecretary of Hydrocarbons), UHouston Law Professor Sashe Dimitroff and Talanza CEO and former Director General of E&P in the Mexican Ministry of Energy Marco Cota.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/26/2018 7:40:17 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: RE: ALEC Panel - Speaker Request

Clint,

I just confirmed Allison Wood, Hunton attorney for UARG. Now I just need someone from EPA. I know this is short notice so appreciate you trying to find a back-up. If you strike out, let me know.

Again thanks,
Michelle

From: Michelle Bloodworth
Sent: Monday, November 26, 2018 10:07 AM
To: 'Woods, Clint' <woods.clint@epa.gov>
Cc: Paul Bailey <pbailey@americaspower.org>
Subject: RE: ALEC Panel - Speaker Request

Clint,

Thanks for responding so quickly. Do you know of anyone else at EPA who is in town on Friday?

Michelle

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, November 26, 2018 9:59 AM
To: Michelle Bloodworth <mbloodworth@americaspower.org>
Cc: Paul Bailey <pbailey@americaspower.org>
Subject: Re: ALEC Panel - Speaker Request

Michelle,

Thanks again for the opportunity to participate. Unfortunately, I will be in Chicago until noon but I am planning to participate at the ALEC meeting during Friday afternoon's Energy TF meeting (where I plan to focus on ACE). Sorry for the trouble but perhaps the panel could focus on their perspectives and mention the EPA perspective coming that afternoon?

Clint

On Nov 26, 2018, at 9:53 AM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Clint –

You did such a good job at our board meeting, we'd like to see if you are available to speak this Friday at an ALEC meeting here in DC. The panel would be similar to the panel at our board meeting. I'm also reaching out to Peter Glaser to give an overview of the rule from a legal perspective. The panel is tentatively scheduled from 10:00 a.m. until 11:15 a.m. We'd like you to give an overview of the Rule similar to what you did at our board meeting.

I apologize for the short notice. One of our members asked us if we could help him put together the panel. If you can't speak, let me know who else at EPA could participate. I'll send you the details once I know you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 8/21/2018 2:46:18 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: PRIMER on New EPA ACE Rule: More State Authority Welcomed

Friends,

With all the action today on the Clean Power Plan replacement – the Affordable Clean Energy (ACE) rule – we thought we'd provide a little background, resources and several official statements.

It is **hugely important to note** that the ACE rule will replace the 2015 Clean Power Plan, which EPA has proposed to repeal because it exceeded EPA's authority. The Clean Power Plan was stayed by the U.S. Supreme Court (an unprecedented move) and has never gone into effect.

Finally, on *All Things Considered* yesterday, reporter Nathan Rott did a very nice job of summing up this issue in 2:30. Here is a link: <https://www.npr.org/2018/08/20/640329244/trump-administration-set-to-unveil-its-replacement-for-obamas-clean-power-plan>

Call with questions...Frank Maisano (202-997-5932)

Statement From Bracewell's Scott Segal, director of the Electric Reliability Coordinating Council, a coalition of utilities:

"The previous administration's effort to address greenhouse gases was a complex and unnecessarily burdensome overreach that took much of the responsibility for power systems away from the state regulators who know them best. It is why 29 states pushed back against the rules and the Supreme Court blocked their implementation with which an unprecedented stay.

While we don't exactly know what this rule addresses, it is clear this Administration and its EPA seem likely to address this issue within the framework of the Clean Air Act and give states a significant role in managing the reliability and environmental performance of their power sectors.

Finally, the replacement rule is premised on the fact that states are in a better position to judge the inventory of measures available to reduce carbon emissions within their power sectors. That's consistent with decades of integrated resource planning that takes place at the state level, the shared responsibilities under the Clean Air Act, and the traditional federalism that governs utility regulation in most states.

Statement from the Chamber's Global Energy Institute CEO Karen Harbert:

"The Chamber believes that the global climate is changing, and that human activities contribute to those changes. At the same time, the Chamber has long maintained that there is a better way to address carbon dioxide emissions than the Clean Power Plan regulation, which was halted by the Supreme Court in 2016. Today's announcement is an important step toward a more collaborative process that fits within EPA's statutory authority and will result in achievable progress through more practical, state-driven programs. This revised approach will help continue the trend of lower electric power sector emissions while preserving America's energy edge and respecting environmental law. We look forward to reviewing the proposal in detail and actively participating in the regulatory process."

Statement from the National Rural Electric Cooperative Association (NRECA) CEO Jim Matheson:

NRECA expressed support for EPA's efforts to replace the Clean Power Plan with a more workable rule.

“The proposed rule appears to provide electric cooperatives with a more achievable plan that adheres to EPA’s historic approach to using the Clean Air Act. This is necessary to provide electric co-ops the certainty and flexibility they need to meet their consumer-members’ local energy needs.

“It is imperative that EPA’s rules recognize the investment that cooperative members have made in power plants and that there is a prudent path forward for 42 million consumers to benefit from those investments. Electric cooperatives are built by, and belong to the communities that they serve. Because of this ownership structure, there are no shareholders to shoulder the weight of early power plant closures. The Clean Power Plan would have resulted in stranded assets and stranded debt, significantly increasing electricity costs for many consumers.

“At the same time, co-ops are responding to their members’ needs and market forces affecting the entire electric power sector. The electric cooperative fuel mix for providing electricity is changing, with increased investments in natural gas and renewables.”

From 2014 to 2016, the use of coal to generate electricity for electric co-ops declined from 54% to 41%, with a corresponding increase in the use of natural gas—from 18% in 2014 to 26% in 2016. Over the same period, the use of renewable energy sources to provide electricity to co-op member-consumers increased from 14% to 17%.

Co-ops own or purchase more than 19 gigawatts of renewable energy capacity, with another 1.8 gigawatts planned. Total solar capacity at electric cooperatives is more than four times what it was in 2015, capable of generating more than 860 megawatts of electricity.

Background:

1. What we do know is that the replacement rule is premised on the fact that states are in a better position to judge the inventory of measures available to reduce carbon emissions within their power sectors. That's consistent with decades of integrated resource planning that takes place at the state level, the shared responsibilities under the Clean Air Act, and the traditional federalism that governs utility regulation in most states.
2. The comparison to the previous Clean Power Plan is favorable on legal and policy grounds. The previous Administration's effort to address greenhouse gases was a complex and unnecessarily burdensome overreach that took much of the responsibility for power systems away from the state regulators who know them best. It is why 29 states pushed back against the rules and the Supreme Court blocked their implementation with which an unprecedented stay.
3. Bottom line: It is clear that this Administration and its EPA are addressing carbon emissions within the defensible framework of the Clean Air Act and to give states a significant role in managing the reliability and environmental performance of their power sectors.

Who to Call:

- **Bracewell:** Scott Segal (202-828-5845, scott.segal@bracewell.com) Jeff Holmstead (202-294-8700, jeff.holmstead@bracewell.com) Frank Maisano (202-997-5932)
- **Chamber’s Global Energy Institute:** Matt Letourneau (202-463-5745, mletourneau@chamber.org)
- **NRECA:** Stephen Bell (571-205-7719, stephen.bell@nreca.coop)
- **Analysts:** Christine Tezak, ClearView Energy (202-506-5744, tezak@CViewEnergy.com), James Lucier, CapAlpha (202-548-0072, james.lucier@capalphadc.com)

The Rule, Press Release and Fact Sheets:

<https://www.epa.gov/stationary-sources-air-pollution/proposal-affordable-clean-energy-ace-rule>

EPA Background:

- One of President Trump's earliest and most important executive orders directed EPA to review the Clean Power Plan (CPP) and repeal, replace, or revise it.
- This signaled to the nation that the war on coal is over and a new era of energy dominance is underway.
- CPP is an overreach of EPA's authority under the Clean Air Act. Instead of regulating individual sources, it tried to set national energy policy, the mix of our generation base.
- 150 entities, including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the rule. A bipartisan majority of the U.S. Congress also formally disapproved of CPP.
- Because CPP exceeded the Agency's authority, the Supreme Court intervened and issued a historic stay. The Court had never before stayed a rule while a lower court was reviewing it.
- Independent economic analysis by NERA found that CPP's overreach would have cost up to \$292 billion and caused double digit electricity price increases in 40 states.
- These rising energy prices would have hurt low and middle-income Americans the most.
- According to a 2015 analysis that assessed the impact of high energy prices, middle-income Americans spend nearly 20% of their after-tax income on residential and transportation energy. Low-income Americans spend more than 20%.
- CPP would have hurt minorities and senior citizens disproportionately, since most live in low or middle-income households.
- According to Harry Alford, President of the National Black Chamber of Commerce, CPP would increase Black poverty by 23 percent and Hispanic poverty by 26 percent. It would result in cumulative job losses of 7 million for Blacks and nearly 12 million for Hispanics in 2035.
- Under President Trump, the unemployment rate for Black and Hispanic Americans is at an all-time low.
- Americans deserve better than CPP. From day one, President Trump listened to those who wanted him to roll back this punitive climate plan.
- Through the courts, EPA has a responsibility to regulate carbon dioxide (CO2) emissions from power plants.
- We will not use that authority to pick winners and losers. Instead, we will operate within the four corners of the Clean Air Act. The era of top-down, one-size-fits-all mandates is over.
- EPA's proposed replacement rule sets greenhouse gas guidelines for power plants consistent with the law and respective of the states' important roles. Unlike CPP, the alternative rule ensures states will play their proper role under the Clean Air Act (section 111(d)) and our federalist system: they will be the ones to establish standards of performance for existing sources in line with EPA's emission guidelines.
- The rule will empower states to reduce emissions and provide modern, reliable power at an affordable cost for all Americans.
- One key element of the rule would update EPA's New Source Review permitting program to encourage our nation's power plants invest in the latest, most efficient technologies. These permitting updates would also protect states against increased permitting burdens and wasteful compliance costs so they can focus their state plans on improving environmental outcomes instead of bureaucratic red tape.
- The rule will not interfere with states as they construct diverse, reliable energy portfolios.
- A diverse, reliable energy portfolio is essential to the President's goal of energy dominance.
- Energy dominance is good for America and good for the world. We can create real wealth and prosperity at home while providing true energy security to our allies across the globe.
- America is the gold standard for energy production and environmental protection.
- From 2010 to 2018, total U.S. energy-related carbon dioxide emissions will fall by nearly 7 percent, according to the Energy Information Administration. In contrast, global emissions are increasing by 10 percent. The U.S. is doing its part to address this problem without the Paris agreement or the failed and overreaching regulations of the prior administration; the champions of those failed policies are the ones not meeting their commitments.

- Additionally, since 1970, total emissions of the six criteria air pollutants regulated under the National Ambient Air Quality Standards established through the Clean Air Act have dropped 73 percent, while the economy grew over 250 percent.
- These achievements are attributed largely to American innovation and cooperation between the states and federal government to implement the nation's environmental laws.
- The Clean Power Plan would have stunted this progress through regulatory overreach. This rule will ensure America is a global leader in modern, reliable, affordable energy for decades to come.
- Carbon dioxide emissions from the power sector will continue to fall under this rule, but this will happen legally and with proper respect for the states, unlike CPP.

COST-BENEFIT of PROPOSAL

- EPA's regulatory impact analysis (RIA) for this proposal includes a variety of scenarios. These scenarios are illustrative because the statute gives states in establishing standards of performance the flexibility to consider unit-specific factors including the unit's remaining useful life.
- The RIA calculates the benefits and costs of three replacement scenarios and one repeal scenario. All four scenarios find that the proposal will reduce CO2 emissions from their current level.
- EPA projects that replacing the CPP with the proposal could provide 400 million in annual net benefits. Complying with the proposal could cost 500 million less than the CPP's compliance costs.
- EPA estimated that the proposal could reduce 2030 CO2 emissions by 0.7% to 1.5% from projected levels without the CPP – equivalent to the annual emissions of 2.7 million to 5.3 million cars. The rule could also reduce co-pollutant emissions of SO2 and NOX by between 1% and 2% each and mercury by between 0.5% and 1%.
- These illustrative scenarios suggest that when states have fully implemented the proposal, U.S. power sector CO2 emissions could be 33% to 34% below 2005 levels. This is comparable the reductions projected from CPP in 2015, but will be achieved in a legal and reasonable manner.
- This rule does not address the endangerment finding. EPA has six pending petitions challenging both the substance and the process of the endangerment finding. We are evaluating the best path forward. In the meantime, we have a responsibility to fill the void and provide regulatory **certainty to the states and energy sector**.

HOW IT WORKS

EPA's proposal would replace the CPP. It establishes emissions guidelines for state plans to address greenhouse gas (GHG) emissions from existing coal-fired power plants. Implementing Section 111(d) under the EPA proposal would be a three-step process:

STEP 1:

- EPA would finalize guidelines that determine the Best System of Emission Reduction (BSER).
 - EPA evaluates technologies and practices that can be applied to or at a covered source to reduce emissions of a pollutant.
 - EPA is proposing to define BSER at existing coal-fired power plants as heat-rate efficiency improvements based on a range of "candidate technologies"—an "inside the fence-line" determination that focuses on how sources can perform better and does not attempt to force an accelerated shift to renewables at the grid-wide level.
 - EPA is not setting a presumptive standard of performance. States will be given the flexibility to design a plan that works for their citizens' environmental and energy needs.

STEP 2:

- States would have 3 years from the date of finalization to prepare and submit a plan that establishes a standard of performance.

- The states establish standards of performance that reflect the degree of emission limitation achievable through the application of the BSER.
- The states will determine which of the “candidate technologies” can be applied to their sources, and determine what emission reductions will result.
- States have a better understanding of the sources within their borders and can consider the unique factors of each unit, such as technology and practices that are already being implemented, remaining useful life, etc.

STEP 3:

- Once a state plan is submitted, EPA would have 12 months to determine its approvability. In the event a state does not submit a plan or fails to submit an approvable plan, EPA would have 2 years to develop a federal plan.

FRANK MAISANO

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 8/20/2018 6:54:12 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Aug 20 PRG Energy Update: CPP Replacement, Chamber on Utility Savings, RVO Comments In

Friends,

Hope your August is going great. I know we haven't slowed down with all the fall sports starting. Hannah is back at Wellesley on the field hockey pitch, Olivia is in the middle of practice double sessions, Adam just finished 12th in the Annapolis 10-miler yesterday in under an hour and I have started my NCAA field hockey season. That is a lot, but not enough for us to top each weekend off with *Incubus* last Sunday at The Fillmore in Silver Spring and *Godsmack/Shinedown* last night at Jiffy Lube Live.

And it hasn't really slowed down in DC either. Last week, we had 2019 RFS RVO comments due and the Chamber's Global Energy Institute released a [new analysis](#) that quantifies billions of dollars of savings in lower electric bills Americans are starting to realize stemming from enactment of the Tax Cut & Jobs Act. Then this week, we expect to see the roll out of the Clean Power Plan replacement which is yet to be named. President Trump is expected to announce the new plan in West Virginia tomorrow. The [New York Times](#), [Washington Post](#) and [Wall Street Journal](#) all had stories.

My colleague Scott Segal said "the previous administration's effort to address greenhouse gases was a complex and unnecessarily burdensome overreach that took much of the responsibility for power systems away from the state regulators who know them best. He adds "the replacement rule is premised on the fact that states are in a better position to judge the inventory of measures available to reduce carbon emissions within their power sectors. That's consistent with decades of integrated resource planning that takes places at the state level, the shared responsibilities under the Clean Air Act, and the traditional federalism that governs utility regulation in most states." Both Segal and Holmstead will be available this week. I also expect our friends at the Chamber's Global Energy Institute will also have comments, background and analysis as well.

Not much shaking this week other than the meetings with SCOTUS nominee Brett Kavanaugh and we hear rumors that the Senate may shut it down after finishing a few more funding bills. Action includes Senator Peter's hosting a field hearing today in Traverse City on pipeline safety while Senate Environment (and Public Works) holds a field hearing in Ellicott City on the Federal role in preventing future flooding. Tomorrow, Senate Energy looks at energy efficiency and blockchain while Sen. Judiciary hosts witnesses like SoCo CEO Tom Fanning on protecting critical infrastructure at 2:30 p.m. On Wednesday, Senate Energy discusses several bills related to land, forest and mineral extraction including Helium Extraction.

Also this week, EPRI is hosting its Electrification conference in Long Beach. They also have recently introduced a new #sharegrid concept (including a great [white board video](#)) that outlines the shared, integrated grid concept and how it will improve customers' energy assets all while enhancing grid reliability, resiliency and value for all.

Finally, there is new [interesting research](#) from MIT on pavement's impact on urban heat island and its impact on climate change. "Albedo" is the measure of how much solar energy is reflected by the Earth's surface. Low albedo, or darker color, surfaces absorb more heat and reflect less shortwave radiation than high albedo, or lighter color, surfaces. Increasing pavement albedo has been considered as a strategy to mitigate impacts of climate change, but evaluating the effectiveness of such strategies requires context-specific data on climate conditions. MIT's CSHub has developed an analytical approach to quantify global warming potential savings resulting from increases in pavement albedo. More detail on this soon.

The comment period closes today for CEQ's NEPA reform plan. We are following closely. Enjoy the last two weeks of August. Call with questions – especially on CPP-related issues...Best,

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FRANKLY SPOKEN

“Our new analysis shows that the Tax Cuts and Jobs Act of 2017 is reducing energy costs for both residential customers and industrial users. Utilities that have seen relief from their tax bills are passing those savings onto their customers, which ultimately saves consumers money. This savings is resulting in increased economic productivity and more jobs around the country.”

Karen Harbert, president and CEO of the U.S. Chamber’s Global Energy Institute, rolling out a New report that looks at the benefits utility customers are reaching due to the Administration tax relief plan.

“The previous administration’s effort to address greenhouse gases was a complex and unnecessarily burdensome overreach that took much of the responsibility for power systems away from the state regulators who know them best. It is why 29 states pushed back against the rules and the Supreme Court blocked their implementation with which an unprecedented stay. It is clear this Administration and its EPA seem likely to address this issue within the framework of the Clean Air Act and give states a significant role in managing the reliability and environmental performance of their power sectors.

Finally, the replacement rule is premised on the fact that states are in a better position to judge the inventory of measures available to reduce carbon emissions within their power sectors. That’s consistent with decades of integrated resource planning that takes places at the state level, the shared responsibilities under the Clean Air Act, and the traditional federalism that governs utility regulation in most states.”

Scott Segal commenting on the expected new release of the Trump Administration’s redo of the Clean Power Plan, expected to be released on Tuesday in West Virginia.

ON THE POD

Cap Crude Looks at Russian Sanctions – The [Platts Capitol Crude podcast](#) focuses on Russia with Congress considering a raft of new sanctions against Russia that could hit energy trade. Agnia Grigas, a senior fellow at the Atlantic Council and author of *The New Geopolitics of Natural Gas*, discusses the potential risks to oil and gas investment, including the Nord Stream 2 pipeline.

FUN OPINIONS

Former Energy Secretary Says Ethanol Bad Policy – As a former senator from an agricultural state and a former U.S. Energy secretary, Spence Abraham [recently wrote in The Hill](#) that both American agriculture and our independent refineries can succeed. Unfortunately, the current structure of the federal biofuel mandate fails to achieve these goals. Abraham wrote: “As the U.S. Energy secretary during the passage of the first RFS, I can categorically state that the RIN system was not meant to create a multibillion-dollar commodity market that serves to subsidize large-scale blenders and vertically integrated oil companies at the expense of smaller and independent refiners. The administration and Congress must act to reform the RFS in a way that keeps RIN costs under control, while also ensuring robust domestic biofuel use. Recent experience proves such a ‘win-win’ can be achieved to save manufacturing jobs in the Rust Belt, without adversely impacting the Corn Belt. The president previously considered taking more permanent action to achieve this goal. Now would be a great time for him to finish the job.”

IN THE NEWS

Chamber Report Says Tax Cuts Will Reduce Power Bills – The Chamber’s Global Energy Institute (GEI) will release [new analysis](#) that quantifies billions of dollars of savings in lower electric bills Americans are starting to realize stemming

from enactment of the Tax Cut & Jobs Act. Investor owned utilities (IOU) saw significant tax rate reductions from comprehensive tax reform and are now passing on that savings to their customers. GEI quantified that total savings in 12 representative states and further calculated the average residential customers' savings. With businesses and families keeping more of their money, we also modeled the additional economic growth and job creation expected to occur. The 12 representative states GEI analyzed were Alabama, Arizona, California, Florida, Georgia, Maine, Michigan, Minnesota, Missouri, Nevada, Texas and Virginia. Across those states, customer savings over the next five years (2018-2022) will range from \$100 million in Maine to over \$3 billion in California. Each state also sees meaningful GDP and job gains as a result of these customer savings.

RVO Comments Pour In – On Friday, the comment period for the 2019 Renewable Volume obligations (RVO) for the Renewable Fuels Standard closed. There were many comments from both sides, But the opponents are a broad-based group of refiners, labor unions, conservative and environmental groups. Here are some highlights:

1) United Steelworkers -- *Roxanne Brown, Legislative Director, United Steelworkers:*

Our union believes that reducing the U.S.'s reliance on foreign oil and focusing on energy independence is a meaningful policy goal not just for strategic and employment reasons, but for our environment as well. However, current RFS policy has led to increased foreign imports of biofuels, including biomass-based diesel fuel, undermining Congressional intent of the RFS.

The reduced availability of additional biofuels to blend into the system creates logistical and technological challenges commonly known as the "blend-wall". This has led to significant cost impacts for refineries as compliance costs related to Renewable Identification Number (RIN's) pricing, which has wildly fluctuated based off of no logical demand structure, creates uncertainty for refineries and undermines long term investment strategies for domestic refining. USW encourages the EPA to develop realistic biofuel assumptions that recognize the significant changes in fuels policy and the continued inability of commercially viable cellulosic biofuel to enter the market.

2) The Toledo Chamber of Commerce – *Brian Dicken, Vice President, Advocacy & Public Policy, Toledo Regional Chamber of Commerce*

We are encouraged that EPA is taking comment on RIN market reforms, but believe such reforms should be dealt with in the final RVO and not via a separate rulemaking. Even biofuel interests have questioned the volatility of the RIN market. The history of the program shows wild swings in RIN costs, but the percentage of ethanol blended into gasoline has stayed at around 10 cents regardless of whether RINs are three cents or \$1.40.

Public comments EPA received for last year's RVO detailed several observations of possible market manipulation that are illegal in other contexts, but not controlled or regulated in relation to the RIN market. EPA must act to prevent anti-consumer manipulative practices and should advance RIN market reforms in the final 2019 RVO, rather than wait to pursue measures addressing RIN market integrity in the future.

3) IBEW Local 8 in NW Ohio – *Stephen Brown, Business Representative, International Brotherhood of Electrical Workers Local Union No. 8. Local 8 represents over 1,600 electrical workers in Northwest Ohio and Southeast Michigan; its jurisdiction includes the Toledo Refinery Company (TRC):*

EPA's proposed increase in the RFS requirement over 2018 levels fails to recognize the blendwall and the uneven playing field among RFS obligated parties. It could result in upward pressure on RIN costs, which as we saw earlier this year with Philadelphia Energy Solutions (PES), would once again threaten highly skilled domestic refining industry jobs.

A look back at the last six months proves EPA can help prevent RIN price spikes without adversely impacting biofuel consumption. A combination of RFS reform discussions and small refiner waivers has resulted in RIN prices decreasing from 90 cents last November to approximately 20 cents recently. Despite these factors, U.S. Energy Information Administration (EIA) monthly data shows there has been NO backtracking on biofuel blending. In fact, the blend rate in the first quarter of this year was slightly higher than it was in the first quarter of last year. This has all occurred in

conjunction with small refiner waivers and falling RIN prices. The facts to date show that domestic biofuel use will remain robust, even when the standard is waived for parts of the industry.

4) NJ Senate Majority Leader Sweeney, Dep. Assembly Speaker Burzichelli – Stephen Sweeney, Senate President, New Jersey Senate & General Assembly:

The proposed increase in the RFS requirement over 2018 levels fails to recognize the blendwall and the uneven playing field among RFS obligated parties. It could result in upward pressure on RIN costs, which as we saw earlier this year with Philadelphia Energy Solutions (PES), would once again threaten highly skilled domestic refining industry jobs.

In the high RIN price environment of the last two years, RINs became the [Paulsboro, NJ] refinery's most significant operating expense; rising above pay, benefits and energy costs. The refinery spent nearly \$150 million from 2015 to 2017 on RINs. Returning to such a financial environment would be unsustainable and certainly threaten jobs in the region.

The EPA must act now to prevent anti-consumer manipulative practices and advance RIN market reforms in the final 2019 RVO, rather than wait to pursue measures addressing RIN market integrity in the future.

5) Paulsboro Independent Oil Workers Union – Rudolph Rafferty, President, Independent Oil Workers, representing 300 employees at New Jersey's Paulsboro Refining Company and an additional 200 from neighboring facilities.

The facts to date show that domestic biofuel use will remain robust, even when the standard is waived for parts of the industry. These facts prove EPA can set a reasonable volumetric requirement that is below the blendwall without adversely impacting domestic ethanol or other biofuel consumption, much of which is economic without government support.

For every refinery employee, 15-20 indirect jobs are maintained to support our activities. This support comes in the form of goods and services. For example, one of our products serves as a base stock for a neighboring facility, which employs 105 additional union jobs. All told, the Paulsboro Refinery helps to support thousands of people and hundreds of families in Gloucester County, New Jersey. The Paulsboro Refinery has produced fuels for more than 100 years. It has provided stable employment for generations of families who have relied on compensation from refinery employment to provide a good quality of life.

6) Holly-Frontier – in its comments, HollyFrontier requests that EPA take three specific actions: (1) further reduce the renewable volume obligation ("RVO") using the general waiver authority given the inadequate volume of domestically produced renewable fuel available to obligated parties; (2) implement Renewable Identification Number ("RIN") market reforms to increase RIN liquidity and decrease RIN prices; and (3) continue granting small refinery disproportionate economic hardship exemptions as required by the Clean Air Act ("CAA") when circumstances demonstrate a disproportionate economic harm.

7) Valero – Valero's comments stress concerns that EPA has yet again proposed RVOs that are not reasonably attainable & declined to make use of available authorities to reduce harms caused by RFS and volatile RIN market.

8) PBF Energy – PBF Energy says the 2019 proposed conventional biofuel volumes should be lowered to avoid severe economic harm. Recent experience indicates setting unreasonable volume targets does result in such harm, but does NOT appreciably do anything to overcome the challenges of the blendwall and advance the RFS program's objectives. It also says EPA should lower advanced biofuels limits that are overly aggressive to better reflect accurate domestic production. Finally, they say EP should EPA should include RIN trading reforms in the RVO as well as advance other changes to ensure RIN market liquidity and limit compliance costs.

NDAAs Signed By President – President Trump signed the 2019 National Defense Authorization Act, including bipartisan language led by Rep. Joe Wilson (R-S.C.) to require the secretary of energy to report on the feasibility of siting, constructing and operating "micro reactors" at critical Defense Department or Energy Department national security

facilities. ClearPath Action advisor and former Nuclear Regulatory Commission Commissioner Jeff Merrifield praised the proposal at a May 22 [House Energy and Commerce subcommittee hearing](#). The NDAA also allows approvals of exports of non-sensitive nuclear technologies to be delegated to officials more junior than the secretary of energy. This would allow for much quicker approvals, which at times have taken more than a year. All exports to China and Russia would still have to be approved by the secretary of energy. There was also language the bill on addressing climate change.

ON THE SCHEDULE THIS WEEK

EPRI Hosts Electrification Conference – The Electric Power Research Institute (EPRI) hosts the inaugural [Electrification 2018 International Conference and Exposition](#) on this week in Long Beach CA. Hosted by the and sponsored by more than 20 major utilities and organizations, this annual conference will bring together utility leaders, regulators, researchers, academia, vendors, economic development groups, and energy users from diverse manufacturing, transportation, industrial, and agriculture sectors around the globe. SoCo CEO Tom Fanning is among the many speakers.

Oil/Gas Conference Set for Denver – EnerCom's [Oil & Gas Conference](#) takes place this week at the Westin Denver Downtown. The conference offers investment professionals the opportunity to listen to the world's key senior management teams present their growth plans. Our friends at Wolfe Research will host a full day of management meetings with execs on Tuesday August 21st at the Palm Restaurant.

Senate Commerce Hosts Pipeline Safety Field Hearing – The Senate Commerce Committee will convene a field hearing today at 10:00 a.m. in Traverse City, MI looking at pipeline safety in the Great Lakes. Sen Gary Peters is hosting. The hearing will focus on federal oil spill prevention efforts, preparedness and response capability in the event of an oil pipeline break in the Straits of Mackinac. Line 5, the 65-year-old pipeline crossing the Straits of Mackinac, has been the subject of multiple safety concerns, including damage from anchor strikes. Witnesses include PHMSA Administrator Skip Elliott, USGC local Commander Joanna Nunan and NOAA's Scott Lundgren, as well as Enbridge's David Bryson, NWF's Michael Shriberg, API's David Murk, Chris Hennessy of the Michigan Laborers-Employers Cooperation and Education Trust (LECET) and local Brewer Larry Bell.

Senate EPW Looks at Flooding in Ellicott City Field Hearing – The Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure will hold a field hearing hosted by Sen. Cardin to provide oversight repeated flooding events in Ellicott City, MD. The hearing will be reviewing the Federal role in preventing future events.

NEI Hosts Reg Affairs Forum – NEI hosts its [2018 Regulatory Affairs Forum](#) in Bethesda tomorrow through Thursday. Topics will focus on a broader issues including Operations, Engineering, and other leadership in the nuclear industry. Along with Regulatory Affairs personnel, this diverse population will participate in a fast paced exploration of regulatory fundamentals, current and evolving regulatory issues and trends, and how their role; either on the front line, or in station leadership, impacts regulatory performance.

DOE Better Buildings Summit Set – The Advanced Manufacturing Office's [Better Plants Program](#) will co-host the Department of Energy's (DOE) 2018 Better Buildings Summit in Cleveland, Ohio from tomorrow through Thursday. The Summit is one of the premier events for energy professionals to engage with one another, explore and share innovative strategies, emerging technologies, financing trends, and much more. This year, the Summit will be held in conjunction with DOE's annual Energy Exchange and will focus on federal facility energy management. Combining the Summit with the Energy Exchange will provide greater access to technical discussions, trainings, panel sessions, and networking opportunities.

Sen Energy Looks at Blockchain. Energy Efficiency, Holds Leg Hearing Wednesday – The Senate Energy Committee holds a hearing tomorrow at 10:00 a.m. to consider the energy efficiency of blockchain and similar technologies and the cybersecurity possibilities of such technologies for energy industry applications. In particular, should we expect electricity prices to increase from rising electricity demand in blockchain applications? In addition, how can we evaluate whether blockchain and similar approaches will soon improve the cybersecurity of computing systems used to supply our energy? Witnesses include Pacific NW Labs Paul Skare, EPRI's Tom Golden, Claire Henly of the Energy Web

Foundation and Princeton's Arvind Narayanan. Then on Wednesday, the Public Lands, Forests, and Mining panel will also hold a legislative hearing on Wednesday looking at 14 bills including helium extraction, wild and scenic rivers, geologic mapping and fire protection. Witnesses will include Sens Bennet and Udall, as well as BLM's Chris McAlear and Forest Service's Glenn Casamassa.

Fanning Headlines Senate Judiciary Look at Cybersecurity Threat – Southern Co. CEO Tom Fanning will testify at the Senate Judiciary Committee tomorrow at 2:30 p.m. to examine cyberthreats to the nation's electrical grid. Fanning is a member of the Electricity Subsector Coordinating Council, the chief coordinating liaison between the power sector and the federal government in preparing for attacks and "national-level incidents" against infrastructure like transmission lines. Other witnesses include Michael Moss, deputy director, Cyber Threat Intelligence Integration Center, Office of the Director of National Intelligence; Bob Kolasky, director, National Risk Management Center, National Protection and Programs Directorate, Department of Homeland Security; and James Lewis, senior vice president, Center for Strategic and International Studies.

Canadian Energy Expert to Look at Quebec Circular Economy – The Circular Economy Working Group holds its August monthly meeting on Wednesday at 6:00 p.m. at the Canadian Embassy Quebec Office. The Group materialized from past Leaders in Energy workshops and activities on the circular economy. At the August meeting, Charles Girard, Lead Energy, Cleantech, and Economic Attache at Quebec Government Office in Washington, will present on circular economy business activities in Quebec.

Forum to Look at Advanced Nuclear – The Global America Business Institute holds an event on advanced nuclear innovation at 12:00 p.m. on Thursday. Speaker Ron Faibish – Senior Director of Business Development, Nuclear Technologies and Materials at General Atomics (GA) – will look at

ABA Teleconference to Discuss Fuel Economy – The American Bar Assn will host a teleconference on fuel economy and greenhouse gas standard reform on Thursday at 12:30 p.m.

EPA to Host IRIS Public Meeting – The EPA is hosting a public meeting on Thursday at 1:00 p.m. to receive feedback on the IRIS Assessment Plan (IAP) for Naphthalene. EPA has extended the public comment period until September 5, 2018.

IN THE FUTURE

Forum to Look at Regional Transportation – The Georgetown Climate Center will host an event next Monday at 1:00 p.m. in Largo to facilitated discussions designed to hear input on the topics of an innovative, low-carbon transportation future, residential and business transportation choices, improving environmental quality and public health benefits while also increasing mobility and modernizing the transportation system and policies/programs that could help achieve this vision.

USEA to Discuss Energy Employment – On Wednesday, August 29th at 10:00 a.m., the US Energy Assn hosts a presentation to summarize the high level results of the 2018 US Energy and Employment Report (USEER) in four key sectors of the American economy--Electric Power Generation and Fuels Production; Transmission, Distribution, and Storage; Energy Efficiency; and the Motor Vehicles Industry. In addition to providing job numbers in emerging technologies, such as renewables, energy storage, and smart grid, the USEER analysis reveals the large number of direct employment that has gone uncounted in traditional energy sectors such as nuclear generation and fossil fuel production. Two special features of the presentation include an analysis of jobs focused on energy efficiency and a breakdown of motor vehicles employment associated with alternative fuels and fuel efficiency. Finally, the presentation will take a forward look at predicted employment growth in 2018 in each energy sector, the hiring difficulty experienced by energy employers, and a demographic overview of energy employment in America. David A. Foster of the Energy Futures Initiative, Speaks.

CSIS Hosts Trade Reps – On Monday September 17th, the CSIS Scholl Chair in International Business is hosting a conversation with six former United States Trade Representatives, who will share wisdom from their own experience

and discuss the current global trading system, its institutions, and the prospects for trade in these challenging times. Speakers include Bill Brock, Carla Hills, Micky Kantor, Charlene Barshefsky, Susan Schwab and Ron Kirk.

Border Energy Forum Set for San Antonio – The North American Development Bank (NADB) will host the XXIII Border Energy Forum in San Antonio on September 26th and 27th at the Hilton San Antonio. This forum brings together local and state officials, private sector developers, academics, large commercial users, and energy experts from the U.S. and Mexico. NADB's unique position as the only U.S.-Mexico binational development bank, has provided the Bank the opportunity to be involved in some of the most relevant clean energy projects developed in the last five years in the region. NADB has financed close to \$1.5 billion for 35 projects with total costs of \$5.2 billion. Roughly, 2,548 MW of new generation capacity is being installed along the border. The forum will center the dialogue on energy prosperity, innovation, financing, the future of energy markets, and crossborder opportunities along the U.S.-Mexico border, and how to continue building partnerships to advance both countries energy goals that ultimately improve economic development and protect the environment.

SEJ in Flint – The Society of Environmental Journalism holds its annual conference on October 3-6th in Flint. Of course, Bracewell hosts its annual event on Thursday October 4th.

FRANK MAISANO

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 5/20/2019 7:26:54 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: May 20 Energy Update: Running up to Memorial Day with High Energy

Friends,

What an exciting sports weekend. With the Preakness in Baltimore and the PGA's US Open in New York, there was a lot to watch. I did not do as well as Brooks Koepka who won his second straight US Open major. While both *Improbable* and *Bourbon War* came up short at the Preakness, I will say I was glad to see *War of Will* and *Owendale* finish as well as I predicted. BTW, *WoW* and jockey Tyler Gaffalione was riding to victory with the 811 "dig" logo on. And in the Preakness if you had *Bodexpress* you might have watched the horse run the whole race without a jockey. Besides great NHL and NBA playoff action, there was some great NCAA lacrosse games on both the men's and women's side to lock up the final four for next weekend. Men's (UVa, Duke, top-ranked Penn State and defending champ Yale) in Philadelphia's Lincoln Financial Field, while the women (UMd, UNC, Northwestern, BC) go to Baltimore at Johns Hopkins.

While Congress is here this week, we do start the run up to Memorial Day, the traditional start of summer. I am most excited to break out the summer clothes, which I will begin wearing this week. Got to love the seersucker suits and Summer DC Beach Weekends in Delaware and Ocean City, MD.

Congress continues the focus on budget and appropriations bills, hoping to have 8 of 12 completed in committee. They also have a bunch of hearings tomorrow and Wednesday. Tomorrow, Senate Energy votes on Interior nominees and then looks at energy efficiency with DOE's Dan Simmons, while House Energy Oversight looks at the EPA mercury plan. A House Science panel looks at transportation and climate while Senate Ag features former USDA Sect Vilsack to discuss climate and the Ag sector.

On Wednesday, Interior Secretary Bernhardt returns to Senate Approps for budget while Chamber GEI head Christopher Guith headlines the witnesses at a House Energy & Commerce hearing on infrastructure. Senate Environment looks at PFAS issues, and in the afternoon, a House Transpo panel looks at disaster preparedness with a focus on last year's DRR implementation. Our friend Jeremy Gregory at MIT is a great expert here as hurricane season is just around the corner.

Finally, while many may starting heading for the Memorial Day exits on Thursday, the House Select Climate Crisis Committee holds a hearing focused on creating a climate resilient America. Again, MIT's Gregory et al can help here.

Not a lot of other action in Washington but tomorrow CSIS has a very important nuclear report that will launch. It is Infrastructure Week, but it seems like we've had that many times without much results. Tomorrow EEI and NEMA are hosting a grid Innovation conference in Rayburn and on Thursday, the U.S. Energy Association holds its annual meeting at the Press Club featuring FERC Chair Neil Chatterjee, Energy Secretary Rick Perry, Sen. Joe Manchin and EPA's Andrew Wheeler.

Most importantly, the entire wind industry gathers in Houston starting today through Thursday for the AWEA's annual WINDPOWER event. Finally, President Trump heads to PA for a rally today which highlights the importance of the state to the 2020 election and the shaping battle over who is a stronger defender of east coast refining resources.

Finally, if you are salty about Game of Thrones ending, you should probably check out the recent announcement from the CLC looking at another group of corporations who are calling for carbon taxes or fees. This issue is in re-runs for the third or fourth time, but the policy/media debate always seems to treat it as fresh news. Always happy to discuss the background, historical perspective, details and policy/political prospects for this issue.

Probably no update next because of Memorial Day – unless something Important happens. Call with questions,

Best,

Frank Maisano
(202) 828-5864
C. (202) 997-5932

FRANKLY SPOKEN

“Joe Biden has called climate change an ‘existential threat,’ and as Vice President was instrumental in orchestrating the Paris Climate Accord.”

Former Maisano PR student at George Washington University and current Biden 2020 Press Secretary TJ Ducklo recently to Reuters when asked about Biden’s Climate change plans.

ON THE PODCAST

Bracewell Podcast Hosts WaPo Data Team Head – The latest episode of Bracewell’s *The Lobby Shop* is live on [Apple Podcasts](#), [SoundCloud](#), [Stitcher](#), and [Google Play Music](#). David Byler, Data Analyst and Political Columnist at the *Washington Post*, came by the studio this week to discuss the trends, twists, and turns coming from the latest political surveys. He covers Democratic Presidential hopefuls, state voting trends, how recent events have impacted (or not) perception of the President, and much more.

The Strategerist Podcast Sits Down with 43 – Our friend Dana Perino highlighted *The Strategerist* podcast as 21 great minutes with 43. In the [podcast](#), Bush 43 tells the story of who really came up with 'strategy' in podcast as well as many other items about how not to take yourself too seriously in Washington and politics.

FUN OPINIONS

Rep Estes in *The Hill*: Climate Answers Lie in Innovation – Kansas Congressman Ron Estes argues in a new op-ed in *The Hill* that the answer to climate change lies in the innovation of advancements in technology, scientific breakthroughs and important research. He adds economically crippling U.S. companies in the global marketplace will only serve to halt the advancements we need to solve this crisis. He closes by adding if climate change is an existential threat, Democrats should be “clamoring to find common ground and practical solutions.” See [more here](#).

IN THE NEWS

Court Denies Biofuel Lobby Challenge to Small Refinery Exemption – The D.C. Circuit Court of Appeals [denied a request](#) from Advanced Biofuels Association to block EPA from letting small refiners avoid their biofuel blending requirements. Refiners said the ruling follows clear precedent in granting small refinery exemptions under the renewable fuel program. Under standards applied by the Court, it seems as though the biofuels lobby couldn’t prove they were significantly harmed or that they were likely to succeed on the merits or both. “This denial can now be added to the clear direction given by the judiciary and Congress to EPA establishing that SREs must be granted upon demonstration of disproportionate economic hardship for small refineries, the test in the Clean Air Act.”

EIA Offers Access to State Energy Information in One Place – EIA launched its new [State Energy Portal](#) last week. Designed to deliver timely state-specific energy information in one place, the new portal has customizable visualizations that automatically populate each time a user returns to the page. The portal provides answers to questions about key energy issues for the 50 states (and the District of Columbia), 5 territories, and regions of interest. Users with energy questions will find this portal to be a valuable, time-saving tool in finding specific information with minimal effort. Users can select data points and time periods of interest for topics such as

- Regional trends in net electricity generation by renewable resources
- Coal production and employment trends in Kentucky, and coal use in neighboring states

- Motor gasoline prices in retail and spot markets versus stocks and consumption
- Nuclear power plant outages in Florida plotted against peak regional electricity load
- Ethanol plant production across the Midwest
- Electricity generation estimates for small-scale solar production by state

Each custom dashboard draws from more than 1,700 state- and regional-level data series, which pull from more than 50 data sources, including sources outside of EIA. Users can filter much of the data in the charts and tables by data frequency, time period, geographic location, energy source, and sector. In addition, users can download their custom charts and graphs on-demand, making it easier to incorporate them into reports, or they can embed dynamic charts on their websites. Raw data sets are also available for download through several formats.

Utilities' Letter Address Spectrum Issues – A new letter signed by CEOs and senior leadership of five electric and water trade associations to Federal Communications Commission Chairman Ajit Pai details industry concerns about the Commission's controversial proposal to open up a band of heavily used spectrum to unlicensed use. The senior leadership signing the letter are: Sue Kelly, CEO of the American Public Power Association; G. Tracy Meehan III, Executive Director, Government Affairs of the American Water Works Association; Tom Kuhn, President of the Edison Electric Institute; Jim Matheson, CEO of the National Rural Electric Cooperatives Association; and Joy Ditto, President and CEO of the Utilities Technology Council. The signatories to this letter represent just about every electric utility in the U.S., along with thousands of water/wastewater utilities as well. The electric/water industries are not always this united on many issues; this is one of them in which we are. The [letter is available here](#).

Pro Carbon Tax Coalition Adds BP, Shell – The industry coalition lead by the Climate Leadership Council – [Americans for Carbon Dividends](#) – will add BP and Shell to its membership rolls. BP and Shell join industry competitors ConocoPhillips and Exxon Mobil, which previously donated to Americans for Carbon Dividends. Shell and BP are joining a coalition of nearly 100 companies for two days of lobbying on Capitol Hill this week geared toward generating support for a carbon tax.

Biden Mentions Climate Change in Speech – Previewing its importance to Democratic voters, former VP Joe Biden mentioned climate change in his big speech in Philadelphia yesterday. While that sent environmental trade press into a frenzy, it clearly was a cursory mention and focused only on defeating Trump rather than any substance. Given the electoral interest, my guess is eventually, that is when it will remain. Meanwhile, rivals and a group of progressive environmental organizations [continue to attack him](#) as being weak on climate change. To that end, Biden added [policy heavy-hitters](#) Heather Zichal and pollster/advisor Anita Dunn to his team.

Australian Voters Rejected More Climate Focus – Australian voters [turned against](#) center-left candidates pushing aggressive strategies to combat climate change when they re-elected Australia's conservative government in the country's national elections on Saturday. According to [media accounts](#), climate change, and whether to act aggressively to address it, featured prominently in the election which makes the results relevant. It seems to suggest that either voters don't care as much about the issue compared to others or they prefer less aggressive measures like new technologies and innovation.

ACE Rule Set for June – The EPA plans to finalize its Affordable Clean Energy rule — its replacement for the Obama administration's Clean Power Plan — in June, the agency revealed in a court filing.

ON THE SCHEDULE THIS WEEK

Houston Hosts Wind Industry's Biggest Conference – AWEA returns to Houston today to Thursday for the [WINDPOWER Conference and Exhibition](#), the Western Hemisphere's largest gathering of the people and technology driving wind power trends. WINDPOWER is where the vision and business deals that will drive the future of the wind industry happen. More on this as we get closer.

USEA to Look at Energy Poverty – The US Energy Assn will [host a forum](#) today at 2:00 p.m. focused on addressing energy poverty in the US. The forum will look at a Federal/State/Utility collaboration approach. This session will bring together experts from the federal, state and utility sectors to discuss how this patchwork of services attempts to address energy

poverty in the U.S. and the ways in which it falls short. Speakers will include Mark Wolfe of the National Energy Assistance Directors' Association, Delaware State LIHEAP manager Häly Laasme-McQuilkin, AGA's Nina Moussavi and EEI's Jessica Franks.

Water Companies Looking at Cyber – The National Association of Water Companies holds its inaugural 2019 NAWC Cybersecurity Symposium at the Army-Navy Club in DC. Former FERC Commissioner Robert Powleson will speak.

Utility Contractors Hold Wash Summit – The National Utility Contractors Association holds its 2019 Washington Summit at the holiday Inn Capitol Hill tomorrow to Thursday. Attendees will hold Hill meetings on Wednesday.

Senate Ag to Look at Climate – The Senate Agriculture Committee will hold a hearing on climate change and the agriculture sector tomorrow at 9:30 a.m. Witnesses include former USDA Secretary Tom Vilsack, Kansas farmer Debbie Lyons-Blythe, UC-Davis professor Frank Mitloehner and Nebraska farmer Matthew Rezac.

Senate Energy Looks at Renewables, Votes on Interior Noms – The Senate Energy Committee holds a business meeting and a hearing tomorrow to consider the nominations of Daniel Jorjani to be Solicitor of the Department of the Interior and Mark Greenblatt to be Inspector General of the Department of the Interior. The votes will be followed by a hearing that will examine opportunities to advance renewable energy and energy efficiency efforts in the United States. Witnesses include DOE's Dan Simmons, NREL's Martin Keller and several others.

House Science Looks at Climate, Transportation – The House Science Investigations Oversight Subcommittee holds a hearing tomorrow on the need for resilience that prepares America's transportation infrastructure for climate change. Witnesses include NIST's Jason Averill, Texas A&M's Greg Winfree, NYC office of Resiliency Susanne DesRoches and Scott Reeve of Composite Advantage.

House Energy Hearing to Look at MATS – The House Energy Committee's Oversight and Investigations Subcommittee holds a hearing tomorrow on mercury issues. Witnesses include former EPA Air Office head Janet McCabe, UVa Prof Michael Livermore, MIT's Noelle Eckley Selin, expert Adam Gustafson of BoydenGray and Heather McTeer Toney of Moms Clean Air task Force.

Grid Innovation Expo Set – The biennial "Grid Innovation and Infrastructure" EXPO will be held tomorrow starting at 10:00 a.m. in the Rayburn Foyer. Leading manufacturers and electric companies from across the U.S. will be showcasing the latest innovative technologies and projects that are making our electric infrastructure smarter, more reliable, resilient, flexible, and secure. Exhibits will focus on transportation electrification, "smart" buildings, and more. The EXPO is co-hosted by the Edison Electric Institute (EEI), GridWise Alliance, and the National Electrical Manufacturers Association (NEMA).

House Approps Moves Budget Bills – The House Appropriations Committee holds a markup tomorrow at 10:30 a.m. moving the FY2020 Energy & Water Appropriations bill and the FY2020 Defense Appropriations bill.

Report to Look at Nuclear – The Atlantic Council Global Energy Center hosts an event tomorrow in the Senate Visitor Center at 2:00 p.m. to launch its new report, *US Nuclear Energy Leadership: Innovation and the Strategic Global Challenge*. Speakers include Sens. Mike Crapo (R-Idaho) and Sheldon Whitehouse (D-R.I.).

Resources Looks at NOAA, FWS Budgets – The House Natural Resources Water, Oceans and Wildlife Subcommittee holds a hearing tomorrow at 2:00 p.m. on examining the NOAA and U.S. Fish and Wildlife Service budgets.

Wilson Book Event Looks at Military Disaster Planning – Tomorrow at 3:00 p.m., the Woodrow Wilson Center holds a forum with the authors of a book looking at the US military and intelligence community efforts to look at scenarios, simulations and disaster planning to anticipate environmental and security-related disasters. In their new book, "Disaster Security: Using Intelligence and Military Planning for Energy and Environmental Risks," Chad Briggs and Miriam Matejova lead readers through real-life planning scenarios and lessons learned to provide an inside view of how and why government agencies plan for environmental disasters and their potential cascading impacts on global systems. The

discussion with the authors will also feature reflections by former Deputy Under Secretary of Defense for Environmental Security, Sherri Goodman.

Tech Innovation Conference Set for WY – The [CO2NNECT 2019](#) event is in Jackson Hole on Wednesday and Thursday. The conference is focused on driving more research dollars to the technology that can break down barriers to its deployment. Speakers include Occidental Petroleum Corp. CEO Vicki Hollub, former Sen. Heidi Heitkamp (D-N.D.), Wyoming Gov. Mark Gordon (R), and Pratima Rangarajan, CEO of the Oil & Gas Climate Initiative's investment company Climate Investments.

Senate Approps to Host Bernhardt -- The Senate Appropriations Interior, Environment, and Related Agencies Subcommittee holds a hearing Wednesday at 9:30 a.m. on the proposed budget estimates and justification for FY2020 for the Interior Department.

Senate Enviro to Hold Leg Hearing on PFAS – The Senate Environment Committee will hold a legislative hearing on Wednesday on current PFAS legislation.

Infrastructure Hearing Set for House Energy – The House Energy & Commerce Committee holds a hearing Wednesday at 10:00 a.m. on "LIFT America: Modernizing Our Infrastructure for the Future," focusing on H.R. 2741 (116), the "Leading Infrastructure for Tomorrow's America Act." Witnesses include Chamber Global Energy Institute Acting President Christopher Guith, BlueGreen Alliance Legislative Director Jessica Eckdish, Piscataway Township, NJ Mayor Brian Wahler and AEI's Daniel Lyons

House Transportation Looks at Budget – The House Transportation and Infrastructure Water Resources and Environment Subcommittee holds a hearing Wednesday at 10:00 a.m. on policies, recommendations and impacts of the President's FY2020 Budget Request.

House Natural Resources Looks at Global Science Issues – The House Natural Resources Water, Oceans and Wildlife Subcommittee holds a hearing Wednesday at 10:00 a.m. on responding to the global assessment report of the intergovernmental science-policy platform on biodiversity and ecosystem service. Witnesses include former IPCC Science panel chief Bob Watson and Global Assessment chair Eduardo S. Brondizio, as well as lead author Dr. Yunne Shin. Assessment opponents Patrick Moore of the CO2 Coalition and Marc Morano of Climate Depot also chime in.

POSTPONED – DOE Heads to Science for Budget – The House Science Committee has postponed its hearing on Wednesday to review of DOE's FY2020 Budget Request with Secretary Perry. No word on reschedule.

USEA Forum to Look at Energy Storage – The US Energy Assn will [hold a forum](#) on Wednesday at 10:00 a.m. to look at battery storage in South Africa. The Integrated Resource Plan released in August 2018 calls for a significant increase in renewable energy. To support the increase in intermittent resources, South Africa's state-owned utility Eskom has unveiled its Distributed Battery Storage Program and environmental and social management framework study (ESMF), committing to solar-plus-storage and energy storage projects totaling 1,400MWh. The plan calls for storage in all nine provinces and has two phases of development and construction. Speaker Neli Magubane, Chairperson of Matleng Energy Solutions. Magubane will discuss these plans and their progress to develop energy storage facilities to support renewable energy.

House Transpo Panel Looks at Resiliency, Disaster Relief – The House Transportation panel on Economic Development, Public Buildings, and Emergency Management holds a hearing on Wednesday at 2:00 p.m. on disaster preparedness with a focus on DRR Implementation and FEMA Readiness.

Forum to Focus on BioGas – The American Biogas Council (ABC) and the Environmental and Energy Study Institute (EESI) [hold a briefing](#) on Wednesday at 3:00 p.m. looking at many benefits of renewable biogas. Biogas is produced from the decomposition of organic wastes (such as agriculture residues, manure, food wastes, and sewage) in the absence of oxygen. The event will focus on potential biogas resources in their states, the economic and job opportunities they offer,

and important policy drivers for this promising industry. Speakers for this forum are American Biogas Council Chairman Bernie Sheff, Charles Love of Love's Travel Stops, Caroline Henry of Greenleaf Ohio, expert Olga Brizhan and American Biogas Council head Patrick Serfass.

House Climate Panel Holds Hearing – The House Select Climate Crisis Committee holds a hearing on Thursday focused on creating a climate resilient America.

USEA Policy Forum Set – The US Energy Assn holds its annual [public policy forum](#) on Thursday from 11:00 a.m. to 5:00 p.m. at the Reagan Building. The event will feature a distinguished group of speakers with over 150 energy stakeholders, journalists, diplomats, and government agency officials expected to attend. USEA will also recognize and honor recipients of the 2019 United States Energy Award and its Volunteer Awards.

Forum Looks at Fuel Cells – Carnegie Mellon University's Wilton E Scott Institute for Energy Innovation [hosts a Capitol Hill briefing](#) on Thursday looking at how fuel cells could impact vehicles, buildings and utilities. At the event, CMU researchers will provide a detailed assessment of the current and expected future costs and performance of automotive proton exchange membrane fuel cells (PEMFCs) and stationary solid oxide fuel cells (SOFCs). DOE's Dimitrios Papageorgopoulos, ARPA-E's Grigori Soloveichik and Bloom Energy's Paul Wilkins all speak.

Puerto Rico Forum to Look at Energy Challenges – On Thursday at 11:00 a.m. in 2043 Rayburn, there will be a forum on new Puerto Rico Public Policy on Energy. The event will discuss implementation and challenges. Panelists will include reps from the Institute for Energy Economics and Financial Analysis (IEEFA), the Institute for a Competitive and sustainable Economy (ICSE), National Rural Electric Cooperative Association (NRECA), Center for the New Economy (CNE) and Rocky Mountain Institute (RMI).

Forum Tackles US-Japan Energy –The Atlantic Council's Asia Security Initiative, housed within the Scowcroft Center for Strategy and Security, and the Global Energy Center [hold a discussion](#) on Thursday at 11:30 a.m. focused on how energy dependence on the Middle East is shaping Japan's quest for energy security, prospects for US-Japan strategic cooperation, and the future of energy security in Asia.

Forum to Look at Iceland, Arctic Chair Priorities – The Wilson Center hosts discussion on Iceland's chairmanship of the Arctic Council Thursday at 2:30 p.m. Wilson's Polar Institute and Global Risk and Resilience Program, and the Embassy of Iceland in Washington D.C. for this important foreign policy speech. Iceland's Minister for Foreign Affairs, Guðlaugur Þór Þórðarson, will present an [overview](#) of the country's Arctic Council Chairmanship agenda, Arctic policy, national interests, and perspectives on the shared opportunities and challenges facing a region undergoing dramatic change.

IN THE FUTURE

Nielson Honored by US-Mex Chamber – The United States-Mexico Chamber of Commerce hosts its [2019 Good Neighbor Awards](#) on May 28th and 29th in Washington. Former U.S. Secretary of Homeland Security Kirstjen Nielsen will be among those honored for their outstanding contributions to the U.S.-Mexico relationship. The Good Neighbor Awards Gala will take place on Wednesday evening May 29th at the Organization of American States building and will have a series of panels and briefings starting the afternoon of Tuesday the 28th.

Clean Energy Ministerial in Vancouver – The 10th edition of [Clean Energy Ministerial](#) will be held on Wednesday May 29th in Vancouver, Canada. Following on the success of last year's meetings in Malmö, Sweden, and Copenhagen, Denmark, Canada will seek to strengthen cooperation among governments, the private sector and international organizations by promoting international efforts to accelerate progress towards a clean energy future.

Forum to Look at CCS Technologies – The Carbon Utilization Research Council (CURC), the Global CCS Institute, and the Carbon Capture Coalition for Carbon Lunches - A Carbon Capture 101 continues its [briefings series](#) on Friday May 31st at 11:45 a.m. in SVC 200. The briefings will provide an introduction to carbon capture, use, and storage, and how this suite of technologies can deliver steep emissions reductions alongside other clean and renewable sources of energy in the transition to a zero-carbon economy, while supporting clean energy production and creating high-wage energy,

industrial, and manufacturing jobs. The briefing will focus on technology applications and feature Illinois State Geological Survey Energy & Minerals Associate Director Sallie Greenberg of the University of Illinois, CATF EOR expert Deepika Nagabhushan and Third Way's Jessie Stolark who will look at utilization technologies and direct air capture.

National Press Club Hosts EPA's Wheeler – The National Press Club will host a luncheon speech with EPA head Andrew Wheeler on June 3rd.

Cruz to Headline Oil, Gas Forum – The 5th Washington Oil & Gas Forum 2019 will be held on June 5th and 6th at the Cosmos Club. Sen. Ted Cruz will be Keynote Speaker. The Washington Oil & Gas Forum has been established as the prime international industry event in Washington, DC. The Forum is a unique opportunity for American and international oil/gas senior executives to meet with Congressional and Government leaders. This year's topic is "Critical Oil and Gas Infrastructure and the role of U.S. LNG and Pipeline Gas in the Global Markets." Other Speakers include Garret Graves, Eni Chair Gianni di Giovanni, State's Frank Fannon, DOE's Shawn Bennett and ATR's Grover Norquist.

Forums Focus on EVs, Storage – Independent analysts, IDTechEx, will be hosting 6 specialist Business & Technology Insight Forums on June 10 - 12 in Novi, Michigan focused on electric vehicles and energy storage. The six half-day forums provide critical business intelligence on emerging technologies covering: Technology assessment Market forecasts Key players Industry structure Case studies and application trends Value chain and opportunities.

EEI Meeting Set for Philly – Edison Electric Institute's (EEI's) 2019 annual convention will be held in Philadelphia from June 10th and 11th. Electric company executives, industry thought leaders, and senior government policymakers will discuss the transformation taking place throughout the electric power industry and the innovative solutions that America's electric companies are developing to meet customers' evolving needs and expectations.

House Energy to Hear from Former EPA Heads – The House Energy and Commerce Subcommittee on Oversight and Investigations will hear from four former EPA heads to discuss the future of the agency on June 11th. Lee Thomas, William Reilly, Christine Todd Whitman and Gina McCarthy have been named as witnesses for the hearing,

Clean Energy Expo Set – The 21st Annual Congressional Renewable Energy and Energy Efficiency EXPO and Policy Forum is set for Thursday July 11th to showcase renewable energy and energy efficiency technologies. In every state across the country, these technologies are having a significant impact in business development and job creation in the manufacturing, transmission, power, transportation, and building sectors. The bipartisan House Renewable Energy & Energy Efficiency Caucus is the Expo's honorary co-host.

Chamber Energy Groups Sets Innovation Forum – The U.S. Chamber's Global Energy Institute hosts "EnergyInnovates: All In" on July 31st. The event will showcase innovators, projects, and technologies that have shaped today's energy landscape – and are laying the groundwork for the future. It will also feature key industry executives and employees, high-level officials, and notable energy experts.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/26/2018 3:06:43 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
CC: Paul Bailey [pbailey@americaspower.org]
Subject: RE: ALEC Panel - Speaker Request

Clint,

Thanks for responding so quickly. Do you know of anyone else at EPA who is in town on Friday?

Michelle

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, November 26, 2018 9:59 AM
To: Michelle Bloodworth <mbloodworth@americaspower.org>
Cc: Paul Bailey <pbailey@americaspower.org>
Subject: Re: ALEC Panel - Speaker Request

Michelle,

Thanks again for the opportunity to participate. Unfortunately, I will be in Chicago until noon but I am planning to participate at the ALEC meeting during Friday afternoon's Energy TF meeting (where I plan to focus on ACE). Sorry for the trouble but perhaps the panel could focus on their perspectives and mention the EPA perspective coming that afternoon?

Clint

On Nov 26, 2018, at 9:53 AM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Clint –

You did such a good job at our board meeting, we'd like to see if you are available to speak this Friday at an ALEC meeting here in DC. The panel would be similar to the panel at our board meeting. I'm also reaching out to Peter Glaser to give an overview of the rule from a legal perspective. The panel is tentatively scheduled from 10:00 a.m. until 11:15 a.m. We'd like you to give an overview of the Rule similar to what you did at our board meeting.

I apologize for the short notice. One of our members asked us if we could help him put together the panel. If you can't speak, let me know who else at EPA could participate. I'll send you the details once I know you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 10/23/2018 5:35:05 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: Re: ACCCE Board mtg Nov 14

Flag: Flag for follow up

Fingers crossed. Thx.

Sent from my iPhone

On Oct 23, 2018, at 1:32 PM, Woods, Clint <woods.clint@epa.gov> wrote:

Paul,

Thanks so much for the invite! There may be a conflict with a public hearing that I may need to attend that day, but let me know double check and get back to you early next week.

Clint

On Oct 23, 2018, at 1:11 PM, Paul Bailey <pbailey@americaspower.org> wrote:

Clint –

Hope all is well. We'd like to invite you participate on a panel at our Board meeting about the proposed ACE rule. I'm also reaching out to Bill Brownell and Peter Glaser. We have the panel slotted for 9:15 – 10:00 at Venable. I can follow up with more details if you're available. Thanks and we hope you can make it.

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image003.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 1/30/2019 6:27:03 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: NARUC Feb 12

Clint –

NARUC is holding a panel discussion on the ACE rule. I've agreed to be on the panel, and I've been asked to invite someone from EPA to also serve as a panelist. I'm not sure if they intend to invite other panelists. Would you be available and interested? The panel is scheduled for 10:45 – 11:45. I can provide more color if that would be helpful.

Thanks,

Paul

Paul Bailey

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pbailey@americaspower.org

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 2/7/2019 9:27:24 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Briefing Info/Comments on Green New Deal Issues

Friends,

There has been a lot of ink spilled on the Green New Deal. But I thought with the introduction of today's resolution, I would put together a few interesting items to provide you some context around the discussion. Please feel free to call us and we will be happy to provide you additional background, comments and other information.

Finally, there are a few interesting things that happened yesterday and today that I don't want to slide under the radar so I have included them as well. These items include Mandy Gunasekara leaving EPA today, passage of the NOPEC bill through House Judiciary, DOE putting out an energy efficiency rule to improve the regulatory process, BLM announcing \$1 billion in 2018 O&G lease sales and a very important deal in Texas with utility Vista that makes them the biggest residential electricity provider in the country.

Here's the GND document: <https://assets.documentcloud.org/documents/5729033/Green-New-Deal-FINAL.pdf>

Frank Maisano
 o. 202-828-5864
 c. 202-997-5932

Scott Segal Comments on today's GND resolution:

1. Power generators have already been engaged in tangible efforts aimed at the greening of our generating assets, achieving deep strides by investing in clean energy including renewables, nuclear, hydroelectric, biomass and other sources as well as reducing the net carbon foot print of fossil fuel assets. This green transition is reflected both in power industry goals and in individual targets set by producers across the country.
2. The key to meeting environmental goals while ensuring reliable and affordable power for consumers like families, schools, and hospitals remains a commitment to diverse and balanced portfolios of generating assets and a grid that can safely and efficiently transmit power from a variety of sources.
3. Power producers have lead the way in assisting family households, business, and industry in managing energy demand in order to enhance energy efficiency while strengthening the grid through proper management.
4. Power producers are on the front line of addressing the concerns that motivate the Green New Deal (GND). GND advocates have acknowledged that any plan for GND must be developed through a consultative process with industry leaders and others. We look forward to sharing our real and practical thinking with advocates, including the reality of technological assumptions upon which any legislation might be based.
5. Any resulting GND legislation must maintain the reliability and resilience of the power supply; must not result in regressive impacts on those in society least able to afford it, such as energy rationing or cost spikes; must not undermine energy security; must not undermine the economy of the United States or hamstringing its international competitiveness; and must be based on realistic goals premised on energy diversity and actual environmental performance projections.

NPR FAQ: NPR had a great FAQ document on the GND that go into many details (perhaps even more than the sponsors). See it here: <https://www.npr.org/2019/02/07/691997301/rep-alexandria-ocasio-cortez-releases-green-new-deal-outline>

Groups Outline Their Vision on GND: Hundreds of progressive groups recently outlined their vision for the GND in an [open letter](#) to Congress demanding a rapid transition to 100 percent renewable energy and explicitly rejecting virtually all forms of emissions-free power except solar and wind. The letter (notably lacking the [signatures of six](#) of the major national environmental groups) is one of several competing efforts to define a Green New Deal.

Energy Experts Tackle GND Issues: Former MIT Energy Researcher and current Harvard environmental fellow Dr. Jesse Jenkins and EIRP head Sam Thernstrom [wrote an op-ed in the NYTimes](#) that looks at deep decarbonization and what may need to be in any Green New Deal to be effective and politically realistic. They argued since the early days of the modern environmental movement, activists have embraced solar and wind power. A “small is beautiful” mantra guided a “[soft path](#)” to the renewables revolution. Finally, Thernstrom and Jenkins say a breakthrough on climate will depend on a willingness by Democrats and others to harness the well-intended ambition of activists while focusing on practical ways to take carbon out of our power system. Otherwise, Republicans won’t go along, and it won’t be feasible for the electric power grid.

Axios Column: Democrats Left Turn on Climate: Our Friend Amy Harder has another great column on the GND highlighting that Democrats are increasingly embracing a sweeping progressive plan to tackle climate change that includes a massive increase in government programs on everything from job guarantees to health care. See Amy’s full take and what it means: <https://www.axios.com/democrats-sharp-left-turn-on-climate-change-546b2c23-16c2-4de6-9335-fd5e4691d628.html>

Senate Energy Looks at Clean Energy, Innovation: A new hearing today in [Senate Energy](#) focused directly on some potential policy solutions that could eventually be a part of any solution to reasonably address climate change issues. Former Secretary [Ernie Moniz](#), Clear Path Founder [Jay Faison](#) and BPC head [Jason Grumet](#) all discuss a number of ways that climate policy could be shaped to effectively address emissions and still be advance innovative, new technologies. Click on their names for links to their testimony.

BCSE to Launch 2019 Sustainability Factbook: If you are following the GND, one of the few roadmaps or reality checks on how we use energy will be released next Wednesday at 9:30 a.m. when [The Business Council for Sustainable Energy](#) (BCSE) and [BloombergNEF \(BNEF\)](#) will host a press briefing on the release of the 7th annual edition of the *Sustainable Energy in America Factbook*. Each year, the Factbook provides comprehensive information and analysis on major sustainable energy facts and trends from the previous year. The Factbook includes statistics on market growth and contraction, notable trends and analysis of the marketplace, and insights related to energy efficiency, natural gas and renewable energy. This year’s Factbook will provide insights on:

- Latest state-of-play of U.S. energy, economics, technology deployment and policy
- New data on renewables and storage, trends in sustainable transportation, building efficiency and corporate procurement
- Key questions to be answered about topics including energy productivity and emissions reductions trends

Speakers will include:

- **Ethan Zindler**, Head of Americas, BloombergNEF
- **Lisa Jacobson**, President, Business Council for Sustainable Energy
- **Abigail Ross Hopper**, President and CEO, Solar Energy Industries Association
- **Tom Kiernan**, CEO, American Wind Energy Association
- **Dave McCurdy**, President and CEO, American Gas Association
- **Jeff Leahey**, Deputy Executive Director, National Hydropower Association
- **Mark Wagner**, Vice President, Government Relations, Johnson Controls

Top EPA Air Adviser Departs to Start Advocacy Group— Mandy Gunasekara, senior policy adviser and principal deputy assistant administrator in EPA’s Office of Air and Radiation, sent a letter to President Trump today saying she was leaving the agency. She had been with the EPA since November 2017. Gunasekara will start a new 501(c)(4) group’s focus will be

"to defend the president and our many energy, environment and economic successes." Prior to EPA, Gunasekara served as majority counsel for the Senate Environment and Public Works Committee, which was led first by Sen. Jim Inhofe (R-Okla.) and then by Sen. John Barrasso (R-Wyo). She's also held various other Capitol Hill positions.

OTHER ISSUES THAT YOU MIGHT HAVE MISSED

NOPEC Legislation approved by House Judiciary: The House Judiciary Committee, now led by Democrats, advanced the "No Oil Producing and Exporting Cartels Act" Thursday. That sets the bipartisan "NOPEC" bill, which would subject the cartel to possible antitrust action by the Department of Justice, up for a possible House vote. A similar bill targeting OPEC was introduced in the Senate on Thursday. Here are a few comments from military leaders:

- "For as long as the United States relies on oil to power its transportation system, the country's economic and national security will remain threatened by oil price volatility and market manipulation from the OPEC cartel, no matter how much oil we produce here at home. NOPEC legislation will give the United States Attorney General a critical tool to hold the cartel and its member nations to account, ensuring a fairer and more transparent oil market—while bringing the country a step closer toward the Administration's energy dominance goals." **Gen. James T. Conway, 34th Commandant, U.S. Marine Corps and Co-Chair, ESLC**
- "I congratulate the House for passing this valuable legislation. For too long, we have been expending our blood and treasure to secure global oil supply lines for oil exporters the world over, while simultaneously sending money back to countries that share neither our strategic priorities nor our free-market values. This bill would prove instrumental in redressing that longstanding imbalance, and create a fairer market for a commodity that is critical to our national security in the process." **Admiral Dennis Blair (Ret.), Former Director of National Intelligence and Commander in Chief, U.S. Pacific Command**

DOE Rolls Out New Energy Efficiency Process Rule: This is a little wonky but really important. In fact, I suspect this will come up next week at the House Energy Panel hearing on energy efficiency. DOE has issued a pre-publication proposed rule to streamline and modernize the so-called "Process Rule." The proposal would substantially improve the agency's process for setting energy efficiency standards and test procedures for residential appliances and commercial equipment, enhancing transparency, accountability, and regulatory certainty for stakeholders. Air-Conditioning, Heating, and Refrigeration Institute (AHRI) President Stephen Yurek said the rule is critical to making the efficiency rulemaking process transparent, predictable, and timely. AHRI is a trade association representing manufacturers of HVACR and water heating equipment and works closely with DOE as it fulfills its Congressionally mandated duty to set America's appliance energy efficiency standards.

Interior Announce \$1 Billion in Lease Sales in 2018: Interior's Bureau of Land Management (BLM) state offices generated \$1.1 billion from oil and gas lease sales in calendar year 2018, an amount nearly equal to the BLM's budget for Fiscal Year 2018, and the highest-grossing year on record, nearly tripling what had been the agency's highest year ever in 2008, which generated approximately \$408 million. Bonus bids from the 28 oil and gas lease sales held in calendar year 2018 came to \$1,151,109,064 in preliminary figures released today by the BLM. Among these, a total of 1,412 parcels, covering almost 1.5 million acres, were leased. The Chamber's Global Energy Institute President Karen Harbert said the sales are further evidence that America is now a global energy superpower. "Last year's sales set a new record, tripling the previous year—a remarkable accomplishment from a Department that is determined to put America's bountiful natural energy resources to work for all Americans. This accomplishment undoubtedly makes America stronger by generating new jobs and new revenue to fund priority programs. With 28 oil and gas lease sales scheduled in 2019, we look forward to even more to come."

Vistra to Acquire Crius Energy, Creating the Leading Residential Electricity Provider in the Nation: Vistra Energy (NYSE: VST) will acquire Crius Energy. After the transaction closes, Vistra will be the leading residential electricity provider in the nation with operations in 19 states and the District of Columbia.

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 1/28/2019 8:23:49 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Jan 28 PRG Energy Update: Government Re-Opened for Business

Friends,

The Government is re-opened!!! Many of our friends at EPA, Interior, the FBI, NOAA and other agencies – including Congress and the White House -- are relieved as the President signed a temporary Congressional funding bill that opened the 25% of the government that was shuttered for 35 days. One hopes Congress and the President can get together in the next 18 days to prevent this from happening again on February 15th.

The shutdown ending gave us the chance to focus on some great sporting events over the weekend. In Australia, Naomi Osaka won her second straight (remember her) Grand Slam tennis event while Novak Djokovic beat Rafael Nadal to win his third straight grand slam and record seventh title. And the NHL All-Stars shone brightly in San Jose with the 3-on-3 tourney where Washington Caps players won the \$1 million team prize and Caps' D-man John Carlson took the hardest shot competition. The NFL's Pro Bowl also had the AFC win the all-star game 26-7 over the NFC but it wasn't nearly as fun as the hockey game.

And the sports news doesn't end this week with the Super Bowl hype starting today as teams arrive in Atlanta leading to Sunday's game. And don't forget this week's PGA's 2019 Waste Management Phoenix Open will be held this week at the TPC in Scottsdale, which houses the loudest, most exciting hole in golf. While I love golf and often mention PGA event, this is important because on Thursday, WM hosts its 9th annual Sustainability Forum - 2019 at the Fairmont Scottsdale Princess.

We are watching the situation in Venezuela closely because of its impacts on the energy industry and US consumers. While there is a lot of uncertainty, a good resource on this issues is US Chamber Global Energy Institute head Karen Harbert, herself a former DOE Assistant Secretary of Energy for Policy & International affairs. She will likely focus on the effects of supply interruptions on gasoline prices here at home and how permitting new pipeline infrastructure would make Venezuelan crude irrelevant to Americans. You can get there through Matt Letourneau.

Who knows what the schedule will look like this week but it seems the State of the Union (originally set for tomorrow) will still be delayed and reset for maybe as soon as next week. Also, the Thursday House Energy hearing on the shutdown – replacing the original climate hearing – is now off given the re-opening.

Other events include today's Global CCS-Atlantic Council Forum on technology leadership at 3:00 p.m., DOE, ClearPath sponsoring the next Atomic Wings nuclear power policy lunch on microreactors and a Wednesday Energy Policy Institute at the University of Chicago climate policy event featuring former Rep. Curbelo in Chicago.

One interesting item out today is a new report from the Association of Plastic Recyclers (APR) finds significant reductions in energy consumption (at least 79% reduction) and greenhouse gas emissions (at least 67% reduction) associated with incorporating recycled plastic resin into the manufacturing of new products. The report, according to APR President Steve Alexander, shows "the importance and effectiveness of the full recycling chain for plastic goods - a chain that starts with companies manufacturing recyclable products, and ends with consumers buying products made from recycled materials."

Finally, as many of you know, I referee the Congressional Hockey Challenge each year and this year, the event will be held at Capital One Arena on February 6th. The event is an annual ice hockey game for charity that pits federal lawmakers, congressional staff and administration officials from across the political spectrum against lobbyists representing a broad array of interests. This year, we need to get a big crowd so I hope you will consider attending. Here is information about the event and how you can get tickets.

Please feel free to call with questions.

Best,

Frank Maisano
(202) 828-5864
C. (202) 997-5932

A SPECIAL NOTE FOR MY REPORTER FRIENDS

A special note to reporters from our friend Bill Loveless. Feb 3rd is the deadline to apply for the **Columbia Energy Journalism Initiative**, a program to gives reporters still relatively new to the energy beat an opportunity to deepen their understanding of markets, policy, science, geopolitics and other disciplines key to covering the topic effectively. This year's EJI seminar will take place June 11-14 in New York City, with presentations from experts in academia, government, business and other fields. More information and applications are available at <https://energypolicy.columbia.edu/initiatives/energy-journalism-initiative>

FRANKLY SPOKEN

"I think reducing carbon emissions is important, and it's a priority for us. It's one of many priorities for us."

Bill Wehrum, the EPA's assistant administrator for air, told The Guardian's Emily Holden at a Society of Environmental Journalists event.

ON THE POD

CapCrude Focused on Jet Fuel – Global gasoline demand is stagnating and stronger fuel economy standards and the rise of electric vehicles could soon push demand down. But jet fuel demand is rising relatively dramatically and could soon be the key driver of world oil consumption, according to Jacques Rousseau, a managing director with ClearView Energy Partners. On today's Platts Capitol Crude, Rousseau, a former sell-side equity research analyst, discusses why jet fuel demand is on the rise, what is likely to push it higher and what, if anything, could derail it.

Podcast Looks at Utility Asset Management – Zpryme's On the Grid chats about efforts at utilities about predictive modeling and analytics to help protect their assets and avoid disaster, but to utilize these tools you need the right data. That's where monitoring comes in. Hosts Erin Hardick and Dylan Lockwood talked with Duke Energy's Bernie Cook to discuss the importance of asset monitoring now to avoid catastrophe down the line, and acquire data to improve asset health. We also talk about changes in utility culture in the digital era.

FUN OPINIONS

USEA Bhambhani: World Bank Moving in New Direction – US Energy Association official Dee Bhambhani recently wrote in Forbes that with the White House about to name a new head of the World Bank, some international energy development experts are suggesting the shift at the helm of the World Bank may actually help the organization accomplish outgoing President Dr. Jim Yong Kim's twin goals—to end extreme poverty by 2030 and boost shared prosperity among the poorest 40% around the world. U.S. Energy Association Executive Director Barry Worthington said Dr. Kim's energy policy was not rational and defied his own mandate. "The World Bank exists to bring people out of poverty. It's not intended to deal with climate change," said Worthington, who is also a chairman on the UNECE Committee on Sustainability.

IN THE NEWS

Wehrum Headlines SEJ Outlook Forum – On Friday, EPA Air Chief Bill Wehrum spoke during the Society of Environmental Journalists annual energy/environmental outlook briefing. Wehrum was questioned by *Guardian* DC reporter Emily Holden, and focused on EPA priorities like climate change, the mercury and Affordable Clean Energy rule among other issues. You can see the [archived webcast here](#).

Plastic Recyclers Report: Use of Recycled Plastic Reduces Energy Consumption, Lowers GHGs – A new [report published today by the Association of Plastic Recyclers \(APR\)](#), the international trade association representing the plastics recycling industry, finds significant reductions in energy consumption and greenhouse gas emissions associated with incorporating recycled plastic resin into the manufacturing of new products. The report - a Life Cycle Inventory Analysis conducted by leading industry research consultants Franklin Associates, a division of ERG – analyzed the energy requirements and environmental impacts of postconsumer recycled plastic resin as compared to virgin plastic resin. The report examined recycling processes for three of the most common types of plastic material recycled today: polyethylene terephthalate (PET), high-density polyethylene (HDPE), and polypropylene (PP). According to the report, using recycled plastic reduced total energy consumption by 79% for PET; 88% for HDPE and 88% for PP. At the same time, using recycled plastic limited emissions by 67% for PET; 71% for HDPE and 71% for PP. See [more info and Graphs here](#).

EIA Releases Outlook – The U.S. Energy Information Administration said that carbon emissions are forecast to remain essentially flat through 2050 without major policy changes and that the U.S. is on track to become a net energy exporter by 2020 in its [Annual Energy Outlook](#). AEO 19 provides modeled projections of domestic energy markets through 2050, and it includes cases with different assumptions about macroeconomic growth, world oil prices, and technological progress. Key takeaways from the Reference case include:

- The United States becomes a net energy exporter in 2020 and remains so throughout the projection period as a result of large increases in crude oil, natural gas, and natural gas plant liquids (NGPL) production coupled with slow growth in U.S. energy consumption.
- Of the fossil fuels, natural gas and NGPLs have the highest production growth, and NGPLs account for almost one-third of cumulative U.S. liquids production during the projection period.
- Natural gas prices remain comparatively low based on historical prices during the projection period, leading to increased use of this fuel across end-use sectors and increased liquefied natural gas exports.
- The power sector experiences a notable shift in fuels used to generate electricity, driven in part by historically low natural gas prices. Increased natural gas-fired electricity generation; larger shares of intermittent renewables; and additional retirements of existing coal and nuclear plants, which are more expensive to operate, occur during the projection period.
- Increasing energy efficiency across end-use sectors keeps U.S. energy consumption relatively flat, even as the U.S. economy continues to expand.

Quartz Coalition to Fight Potential Trade Sanctions – U.S. fabricators, distributors, installers and importers of quartz countertops [joined together](#) last week to launch the American Quartz Worker Coalition. The group has organized in opposition to an attempt by one company, Cambria LLC, to convince the U.S. government to impose trade restrictions on imported quartz, a move designed to inflate Cambria's profits. The Coalition is dedicated to fighting an anti-dumping and countervailing duty petition filed by Cambria LLC with the U.S. government that, if the U.S. International Trade Commission (ITC) approves, could result in duties on imports of quartz surface products from China as high as 341%. The Coalition is representing the interests of more than 200 fabricators employing more than 5,000 Americans across the country and others who have expressed their opposition to Cambria's petition in filings submitted to the ITC. The Coalition is urging the ITC to consider the significant impact of such duties on American workers and the U.S. quartz market. Specifically, the Coalition warns that duties would create huge cost increases for imported quartz and remove approximately 50% of available quartz supply from the market. Not only would these tariffs reduce available supply and limit consumer choice, but they would also threaten tens of thousands of quartz-related U.S. fabricating jobs.

Ørsted launches 2-month survey of N.J. offshore wind zone – Ørsted has kicked off a two-month survey of an offshore wind array off the coast of New Jersey. New Jersey environmental officials notified mariners last week that survey work is beginning for Ocean Wind, Ørsted's planned offshore wind energy array. The 170'x40'x11' Fugro Enterprise, a U.S.-

flag survey vessel operated by Netherlands-based Fugro N.V., has been commissioned by 4C Offshore to conduct geotechnical studies for Ørsted. The survey will be ongoing for two months, weather permitting. The Fugro Enterprise, homeported at Port Fourchon, La., has been employed in offshore wind work before, notably for Deepwater Wind's Block Island Wind Farm, which is now part of Ørsted's portfolio.

DOE, ClearPath Officials Tapped as Nuclear Leaders – Former senior George W. Bush DOE officials and ClearPath's Managing Director for Policy Jeremy Harrell have ascended to leadership positions at top nuclear power industry efforts. Former Under Secretary of Energy Bud Albright is the new chairman of the U.S. Nuclear Industry Council, while Jeremy has been elected vice chair by US NIC's board. Albright, also a former House Energy and Commerce Committee staff director and counsel to the Departments of Justice and Housing and Urban Affairs, is currently CEO of the government relations firm Albright Strategies. Jeremy joined ClearPath in April 2017 to direct our policy team and was an aide to Sen. Dean Heller (R-Nev.) and Reps. Paul Gosar (R-Ariz.) and Michael Turner (R-Ohio). Meanwhile, former Deputy Energy Secretary Clay Sell has been named CEO of advanced nuclear reactor developer X-energy. Sell was also special assistant to Bush and was a senior aide on the Senate Appropriations Committee and for Rep. Mac Thornberry (R-Texas). X-energy is working on a design for a high-temperature gas-cooled reactor that could be built faster, use factory-produced parts and be walk-away safe without operator intervention.

BP Invests In New Artificial Intelligence Technology – BP Ventures has invested \$5 million in Belmont Technology's Series A financing to further bolster BP's artificial intelligence (AI) and digital capabilities in its Upstream business. The investment supports BP's ongoing work exploring opportunities to apply machine learning and cognitive computing in its global oil and gas business. The Houston technology start-up has developed a cloud-based geoscience platform using AI. The platform has a string of unique capabilities including specially-designed 'knowledge-graphs'. BP experts feed the platform geology, geophysics, reservoir and historic project information. It intuitively links that information together, identifying new connections and workflows, and creating a robust knowledge-graph of BP's subsurface assets. Much like data searches available in the consumer domain, BP experts can then interrogate the data, asking the powerful knowledge-graph specific questions in natural language. The technology then uses AI neural networks to interpret results and perform rapid simulations. Aimed at accelerating project lifecycles, from exploration through to reservoir modelling, the technology is targeting a 90% time reduction in data collection, interpretation and simulation.

ON THE SCHEDULE THIS WEEK

Global CCS to Launches Report – The Global CCS Institute and the Atlantic Council will hold a special US [launch of the Global CCS Institute's signature publication](#), The Global Status of CCS, today at 3.00 p.m. in the Atlantic Council Headquarters. The report was first presented at COP24 in Katowice, Poland. DOE's Assistant Secretary of Fossil Energy Steven Winberg offers Keynote remarks. Other speakers include Equinor's Geir Westgaard and National Energy Technology Laboratory manager Lynn Brickett.

WM Phoenix Open – The Greenest Show on Grass, the PGA's 2019 [Waste Management Phoenix Open](#) will be held this week at the TPC in Scottsdale, which houses the loudest and most exciting hole in golf. While I love golf and often mention PGA event, this is important because on Thursday, WM hosts its [9th annual Sustainability Forum - 2019](#) at the Fairmont Scottsdale Princess. National Geographic will take center stage at the Forum, exploring solutions for "Plastic Waste in the Environment." The Forum will also examine "Cities of the Future" through panel discussions and presentations. The WM Sustainability Forum is free to attend, but pre-registration is required. Waste Management created the Sustainability Forum in 2011 as a collaborative space for corporate leaders, government leaders, experts, innovators and influencers to share insights and exchange ideas.

Iowa Ethanol Summit Set – The [2019 Iowa Renewable Fuels Summit](#) will be held in Altoona, Iowa tomorrow. Experts will offer their perspective on how biofuels will fit into future petroleum markets, the role for biofuels in meeting global clean air policies and overcoming trade and policy hurdles to market growth. Iowa Gov. Kim Reynolds will be among the speakers.

Forum to Look at Alberta Oil Production – The Johns Hopkins SAIS will [host an event](#) at Noon tomorrow on Alberta's short-term oil production curtailment which it estimates will costing the Canadian economy more than C\$80 million per

day. The reduction of 325,000 barrels per day of raw crude or bitumen began January 1, 2019 and will remain in place until oil storage levels decline. Liam Stone, from the Government of Alberta's Washington Office will present and explain the government's policy, followed by an expert panel discussion featuring Andrew Stanley and Jesse Barnett (SAIS '17) of the Center for Strategic and International Studies' Energy and National Security Program and Dr. Charles Doran, Andrew W. Mellon Professor of International Relations. Dr. Christopher Sands, Senior Research Professor and Director of the Center for Canadian Studies will introduce and moderate the panel.

Forum to Look at Pipeline Issues – AECOM and the Environmental Law Institute hold an Energy & Environment forum tomorrow at AECOM's Wilson Blvd offices on the challenges in a changing energy world. Leading experts will explore these changes and challenges in energy transmission, environmental protection and compliance, permitting challenges and solutions implemented, and more, with a special focus on pipelines. AECOM's Bernie Holcomb, FERC's Annie Jones, ELI's James M. McElfish and Chris Miller of the Piedmont Environmental Council.

DOE, ClearPath to Look at MicroReactors – The Department of Energy and ClearPath sponsor the next Atomic Wings nuclear power policy lunch tomorrow featuring discussion on microreactors. Speakers will be announced.

State of the Union Address – Not Happening....

EPIC Event Looks at Climate, Energy Policy – Energy Policy Institute at the University of Chicago will hold an event on Wednesday at 5:30 p.m. in Chicago looking at energy/climate policy in the new Congress. Democratic members have promised to propose a Green New Deal that they claim would support job growth and reduced carbon emissions. Meanwhile, House leadership is considering revisiting cap-and-trade legislation passed in 2009 that narrowly failed in the Senate. And, despite Republicans' historical opposition to most climate policies, nascent support for a carbon tax by several members in the Climate Solutions Caucus was one of the few bright spots in U.S. climate policy in 2018. EPIC and a distinguished panel of political and policy leaders as we discuss the dynamics at play in the new Congress. Speakers include former ep. Carlos Curbelo, EPIC's Michael Greenstone, former Senate Energy Staff McKie Campbell and former DOE official Melanie Kenderdine. Our friend Amy Harder moderates.

Columbia Book Forum to Look at Oil Kingdoms – On Wednesday at 6:00 p.m. in Columbia University Center on Global Energy Policy launches a new book on "Energy Kingdoms: Oil and Political Survival in the Persian Gulf." The book is the next in the Center on Global Energy Policy Series published by the Columbia University Press. Author Jim Krane of Rice University's Baker Institute for Public Policy traces the history of the Gulf States' energy use and policies, looking in particular at how energy subsidies have distorted demand. Krane expertly lays out the hard choices that Gulf leaders face to keep petro-states viable in a world increasingly focused on combating climate change. Following Dr. Krane's presentation, he will join Robert McNally, President of Rapidan Energy Group and non-resident fellow at the Center on Global Energy Policy, and Dr. Suzanne Maloney, Deputy Director, Foreign Policy and Senior Fellow, Center for Middle East Policy at The Brookings Institution, on a panel moderated by Jonathan Elkind, Fellow and Senior Research Scholar at the Center on Global Energy Policy.

Webinar to Preview CERAWeek – After a tumultuous year for the energy industry, CERAWeek 2019 looks ahead with a focus on the responses to the collapse in oil prices, fractious geopolitics, evolving disruptive technologies and emerging competitors. This year's theme – New World of Rivalries: Reshaping the Energy Future will hone in on the changing forces at work impacting the energy sector. This will be highlighted in a webinar discussion on Thursday at 9:00 am EST with Daniel Yergin and Carlos Pascual in conversation with Atul Arya. The groups will preview and share insights into some of the many topics to be discussed at CERAWeek 2019 in Houston, Texas on March 11-15.

CANCELLED – House Energy to Look at Shutdown in First Hearing – The House Energy and Commerce Committee will NOT hold a hearing on the shutdown's impacts to federal agencies within its jurisdiction on Thursday.

WRI to Look at Paris Goals – The World Resources Institute holds a seminar on Thursday at 12:30 p.m. to explore challenges, opportunities, and country examples that governments can consider using to ensure they deliver on the 2030 Agenda and the Paris goals.

IN THE FUTURE

Senate Environment to Vote on Wheeler – The Senate Environment and Public Works Committee will hold a business meeting on February 5th to consider the nomination of Andrew Wheeler to be EPA administrator.

Moniz, Yergin Headline POLITICO Innovation Forum – On Tuesday February 6th at 8:30 a.m., POLITICO hosts a high-level conversation on the opportunities and challenges ahead on policy and investment in clean energy innovation at the Mayflower Hotel. Former Energy Secretary Moniz and IHS Markit's Daniel Yergin will offer views on the landscape facing clean energy innovation. That will be followed

ACORE Webinar Looks at Offshore Wind – ACORE hosts a [State of the Industry Webinar](#) on Wednesday February 6th at Noon to offer the latest intelligence and analysis on renewable energy markets, finance and policy. The webinar is part of a quarterly series produced in partnership between ACORE and Bloomberg New Energy Finance (BNEF) and will feature a quarterly market update and a discussion of key issues in financing U.S. offshore wind development. Offshore wind projects could be a major element in the growth of U.S. renewable energy over the next decade, yet significant questions remain about the financing of these large, capital-intensive projects. The U.S. has seen a recent wave of major offshore wind project announcements, with 28 projects, totaling more than 25 GW, now in the project pipeline. Even as European banks, investors and capital markets have become increasingly comfortable with offshore wind as an asset class overseas, U.S. markets present new challenges. Speaker include ACORE's Todd Foley and Greg Wetstone; BNEF's Ethan Zindler and Tom Harris; and Stanford's Dan Reicher and Citigroup's Marshal Salant.

Forum to Look at Energy Efficiency – Energy Efficiency for All (EEFA) and the Environmental and Energy Study Institute (EESI) hold a forum on February 8th providing a ["101" briefing](#) about federal programs that reduce housing and energy cost burdens for people in need. National policy experts who interact closely with state and local organizations will provide an overview of key programs, including statutory authority and appropriations, and how they impact the lives of recipients. Panelists will discuss how energy efficiency services result in lower home energy bills, which is critical for low-income families that spend a greater percentage of their income on energy. NASEO head David Terry is among the speakers.

Ethanol Conference Set – The RFA's [National Ethanol Conference](#) is set for the JW Marriott Grande Lakes in Orlando from February 11th to 13th. Speakers include former Senate Leader Tom Daschle, analyst Philip Verleger, *The Circus* co-Hosts John Heilemann and Mark McKinnon, among others.

BCSE, Bloomberg to Release 2019 Sustainable Energy Factbook – The Business Council for Sustainable Energy (BCSE) and Bloomberg New Energy Finance (BNEF) will release the 2019 edition of the [Sustainable Energy in America Factbook](#) on Wednesday morning, February 13th at BNEF offices in DC. The Factbook provides up-to-date, accurate market information about the broad range of industries — energy efficiency, natural gas and renewable energy— that are contributing to the country's move towards cleaner energy production and more efficient energy usage.

Forum to Look at Central American Power Markets – The US Energy Assn [holds a forum](#) on Wednesday February 13th at 10:00 a.m. to discuss the key policies and lessons learned from Central American Power Markets. The authors, Juan A.B. Belt and Silvia Alvarado de Córdoba, will present their analysis of the power sector reforms that have taken place in Central America countries and will identify measures to increase the efficiency of the region's power markets. The paper focuses on the use of competitive bidding (auctions) for power and discusses the issues around the functioning of the Regional Central American Interconnected Market (Mercado Eléctrico Regional or MER). The authors argue that given the size of the Central American markets, their level of development, and the socioeconomic environment they face, lessons from those countries can be applicable to a wide range of countries in sub-Saharan Africa, Asia, and the Middle East and North Africa.

CSIS Forum to Look at Global Oil Challenges – On Thursday, February 21st between 8:45 a.m. to 2:00 p.m., the Center for Strategic & International Studies will host a group of experts to [discuss the outlook for global oil markets](#). Looming questions on the weakening of the global economy, the impacts of trade disputes, prospects for continued U.S. production growth given volatile prices, productivity challenges, cash flow constraints, evolving bottlenecks and export

capacity, crude quality and regulatory challenges (RFS and IMO), and renewed call for a green energy transformation continue to plague investors and strategic planners alike. Speakers will include ClearView's Kevin Book, analyst Rusty Braziel, Wood-MacKenzie's Ann-Louise Hittle and Michael Wittner of Société Générale, among others.

Forum on Storage Set for SF – The 12th annual Storage Week will be held on February 25-27 in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

CSIS to Host BP Outlook – On Wednesday, February 27th at 10:30 a.m., CSIS will host the U.S. launch of 2019 BP Energy Outlook with Spencer Dale, group chief economist of BP. The global energy system faces a challenge to provide significantly more energy while simultaneously reducing emissions. What forces are shaping the energy transition through 2040? The Outlook outlines BP's view on future of global energy demand—and the global energy transition—by exploring four scenarios through three lenses: sector, region, and fuel. Dale will present the scenarios of the Outlook, followed by a moderated conversation with Sarah Ladislav.

AWEA Members to Go to Capitol Hill – On March 5-6, AWEA will hold Wind Power on Capitol Hill, which brings companies to Washington, D.C. to meet their representatives in the House and Senate. The event is an opportunity for AWEA members and others who want to help advance wind energy to participate in advocacy training and then put that training to work to educate legislators and their staff on the wind industry's top policy initiatives at the federal level.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 2/12/2019 6:35:53 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: UPDATED SPECIAL REPORT: PRG Energy Update

Wow, so much has happened since I sent my note yesterday afternoon. Here we go:

1) Karen Harbert Named as AGA Head – The American Gas Association (AGA) said today that Karen Alderman Harbert will be the new President and CEO. Harbert brings significant energy industry and policy expertise to this role from a variety of leadership roles in Washington, including her current role as president and chief executive officer of the U.S. Chamber of Commerce’s Global Energy Institute where she leads efforts to build support for meaningful energy action nationally and internationally through policy development, education and advocacy. Harbert will take over on April 1st. See full release [here](#).

2) Solar Jobs Hurt by Tariffs – The Solar Foundation issued the National Solar Jobs Census 2018, which reports an overall decline of nearly 8,000 solar jobs nationwide compared to 2017. After seven years of steady growth, this is the second year in a row that solar jobs have declined, which the report largely attributes to the solar tariffs that the Trump administration imposed in early 2018 and the uncertainty that solar companies faced in the lead up to this trade decision. SEIA head **Abby Hopper** said “the impact these unnecessary tariffs are having on America’s economy and its workers should not be ignored. The damage, from a decline in jobs to a decline in deployment, far outweighs any potential benefits the administration intended. We hope this data serves as a wake-up call to the administration that the Section 201 tariffs should be reversed before any more Americans lose their jobs.

ENERGY FACTBOOK RELEASE WILL HELP OUTLINE G.N.D. POSSIBILITIES – Both of these issues, combined with the recent focus on the Green New Deal underscore the need for a true scorecard/road map on how we are using energy. You can get that TOMORROW MORNING at 9:30 am at 1100 NY Ave NW when Business Council for Sustainable Energy (BCSE) and BloombergNEF (BNEF) host a briefing on their 7th annual Sustainable Energy in America Factbook.

Each year, the Factbook provides comprehensive information and analysis on major sustainable energy facts and trends from the previous year. At the event, you will have access to SEIA’s Abby Hopper, AGA’s Dave McCurdy and AWEA’s Tom Kiernan.

Wait, there’s more...

3) Cabot Letter to FERC on Constitution Pipeline – Many of you may have seen the intersquad public spat between FERC Commissioners last week over Vineyard Wind’s efforts to get into ISO New England’s forward auction and the impacts it would have on the power market. NE PA natgas power player Cabot couldn’t help but notice the spirited debate a weighed in with a letter Commissioners saying “ISO New England has made it clear that the region needs natural-gas-fired plants to be able to balance variations in output attributable to intermittent power sources like offshore wind. Further, they have written that, “Fuel-security risks may be more acute in New England” precisely because New England remains constrained “at the end of the pipeline” when it comes to natural gas necessary to address the region’s baseload power needs.

Cabot CEO Dan Dinges continued, “Given that reliable natural gas supply is essential to both fuel security and greater use of renewables, we find it ironic that FERC has thus far declined to enforce a reasonable timeframe for the State of New York in declining approvals for the Constitution Pipeline even as some Commissioners react so strongly in favor of an offshore wind project. The wind project in question – Vineyard Wind - at best would produce 800 MW of power, or enough to power about 400,000 homes in New England. While Vineyard may indeed be a meritorious project in its own right, the Constitution Pipeline, were it placed by FERC on a reasonable time frame for completion, would transport some 0.65 bcf/day of natural gas - enough natural gas to power over 5.5 million homes, almost 14 times more power than Vineyard. Our company is one of the developers of the Constitution Pipeline. Commissioners Glick and La Fleur

warned that "failing to act" on Vineyard "has introduced significant uncertainty" into ISO New England. Imagine what failure to act on Constitution has done! Cabot finally asked FERC to take timely action on Constitution given the recent *Hopa Valley Tribe v FERC* court case which highlighted the gamesmanship of New Yorkon pipeline approvals.

4) **E15 Split From RFS Market Reforms...or NOT** – Our friends at Reuters last night reported that EPA was now going to split . Then, after a call from EPA Assistant Administrator for Air and Radiation Bill Wehrum, Reuters reported this morning that the agency has decided to release a single draft rule to expand sales of higher ethanol blends of gasoline and curb biofuel credit speculation, after having contemplated separating the measures. Wehrum said in a statement: "EPA is moving forward with a notice and comment rule that will include both E15 RVP and RIN market reform as the president has instructed us to do. This will be done in one regulatory package released at one time with a target of completion by the start of summer driving season."

Finally, I will again join my friend Julie Mason today at 4:00 p.m. on Sirius XM POTUS 124 for a *Press Pool* segment on the Green New Deal and other important environmental issues.

Here's hoping we are past the shutdown....

Frank Maisano
202-997-5932

FRANK MAISANO

Senior Principal
Ext. 5864
Policy Resolution Group

From: Maisano, Frank
Sent: Monday, February 11, 2019 3:30 PM
To: Maisano, Frank <frank.maisano@bracewell.com>
Subject: Feb 11 PRG Energy Update: Sustainability Factbook Release Reveals Energy Use Wednesday

Friends,

I hope you were able to catch the Grammys last night. *A Star is Born* scored big, along with Drake and rising star Brandi Carlile, among others. Michelle Obama dropped in on the event with host Alicia Keys and delivered a powerful message. There was a star-studded tribute to the incredible Dolly Parton (which she starred in), who you have to love even if you don't like country music.

Of course, this week starts on a sad note with the loss of Michigan Congressional legend John Dingell, who had some much impact in our energy and environment space, as well as many others. As a young Congressional staffer in the Michigan delegation, I saw first-hand his expertise, toughness and humor, as well as his personal investment in all staff (even those that worked for others) that he guided. Ironically, he passed away one year to the day after Rep. Joe Knollenberg, who I worked for and who Dingell often teamed up with for bipartisan efforts to protect auto workers. And as usual, just like Dingell always did, he got the last word on all of us. He dictated a wonderful last word that the *Washington Post* ran as an op-ed yesterday. His funeral will be on Tuesday and will delay some action in DC, including the tomorrow's House Energy hearing on energy efficiency rules featuring AHRI President Steve Yurek.

If you followed last week's action on the Green New Deal, one of the few roadmaps or reality checks on how we use energy will be released Wednesday at 9:30 a.m. when The Business Council for Sustainable Energy (BCSE) and BloombergNEF (BNEF) host a briefing on their 7th annual *Sustainable Energy in America Factbook*. Each year, the *Factbook* provides comprehensive information and analysis on major sustainable energy facts and trends from the

previous year. I am hoping you can attend as you will have access to a number of key trade association heads to ask about the GND, including SEIA's Abby Hopper, AGA's Dave McCurdy and AWEA's Tom Kiernan.

Back to the Hill, shutdown talks drift toward another deadline on Friday that threatens EPA, Interior and other Commerce Science funding. And we will also see lots more climate hearings tomorrow and Wednesday. Most importantly, House Science moves its climate science hearing to Wednesday from tomorrow because of the Dingell funeral. House Resources has three climate hearings on Tuesday and Wednesday and Senate Energy has FERC Chair Chatterjee and others on Thursday to discuss energy cybersecurity. Also, EPA holds a public hearings Thursday on its rule to revise the New Source Performance Standards (NSPS) for GHG emissions from new, modified and reconstructed fossil fuel-fired power plants.

In town, [NARUC officials are here](#) and I suspect one of the major items of discussion will be the next FERC Commissioner. EPA head Andy Wheeler spoke this morning and election expert Stuart Rothenberg, EPA's Bill Wehrum and FERC Commissioner McNamee speak tomorrow. Senate Energy Chair Murkowski, FERC Chair Chatterjee and DOE Undersecretary Menezes speak Wednesday. Meanwhile, out of town, our friends in the ethanol industry hold their [annual conference](#) in Orlando. If you are covering, we are happy to help provide context for anything that may come out of the meeting. As a present for the conference, pro-ethanol Ag economist Scott Irwin for [the fourth time hit the reasons](#) for the bottomed-out ethanol price and it is NOT small refinery waivers (as our ethanol friends continue to claim). Irwin: "Ethanol production in the U.S. looks to have topped 16 billion gallons for the first time in 2018 and this has simply been too much for the domestic (and export) fuel markets to absorb."

Finally, as you know last week I refereed the Congressional Hockey game. The lawmakers – with 8 members playing – won 4-3, but more importantly, the Caps TV network (Monumental Sports) enlisted Caps announcers Joe Beninati and Alan May to actually call the game. It is worth [watching the link](#).

Have a GREAT Valentine's Day and don't forget the FLOWERS...Please feel free to call with questions.

Best,

Frank Maisano
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C. (202) 997-5932

FRANKLY SPOKEN

"Ethanol production in the U.S. looks to have topped 16 billion gallons for the first time in 2018 and this has simply been too much for the domestic (and export) fuel markets to absorb."

U of Illinois Ag Economist Scott Irwin in his [new paper](#) on why ethanol Prices are so low.

"Rep. John Dingell was one of a kind. We may not be so lucky or blessed to see his likeness again."

Georgia Democratic Rep. John Lewis, paying tribute to his longtime House colleague.

ON THE POD

Cap Crude Experts Discuss Latest Venezuela Impacts – On this week's [Platts Capitol Crude podcast](#), Paul Sheldon, chief geopolitical advisor with S&P Global Platts Analytics, and Risa Grais-Targow, the Eurasia Group's director for Latin America, break down the market impacts of the US sanctions on PDVSA.

FUN OPINIONS

Ag Econ Expert Highlights Reasons For Ethanol Woes – As a present for the [ethanol conference](#) this week, pro-ethanol Ag economist Scott Irwin for the fourth time hit the reasons for the bottomed-out ethanol price and it is NOT small refinery waivers (as our ethanol friends continue to claim). In a [new paper](#) just released as the national ethanol confab launches in Orlando, Irwin once again deviates from ethanol group-think using actual data to examine the repeated claim that EPA's issuance of SRE waivers is the root cause of ethanol price weakness. Irwin's conclusion? As he says on [Twitter](#), "Analysis points to increasing supply of ethanol as the main culprit in explaining low ethanol prices." Message to conference attendees: there's still time to convene a working group to try out the next specious anti-refinery claim.

IN THE NEWS

CCS Legislation Reintroduced – The Senators Thursday introduced two bipartisan plans to bolster carbon capture technologies. Senate Environment Chairman John Barrasso (R-Wyo.) and Sen. Sheldon Whitehouse (D-R.I.) led the [reintroduction of the USE IT Act](#), which aims to make carbon dioxide pipelines and other infrastructure projects eligible for streamlined permitting. Other cosponsors are Republicans Shelley Moore Capito (WV), Kevin Cramer (ND) and Mike Enzi (WY), EPW Ranking Member Tom Carper (D-DE), Energy and Natural Resources ranking member Joe Manchin (D-WV) and fellow Democrats Tina Smith (MN) and Tammy Duckworth (IL). Sens. John Hoeven (R-ND) and Smith Thursday also led the introduction of the [Carbon Capture Modernization Act](#), which would modify the 48A tax credit to encourage more carbon capture at coal facilities. The bill is also cosponsored by Cramer, Manchin, Barrasso and Sens. Jon Tester (D-MT), Lindsey Graham (R-SC) and Steve Daines (R-MT).

Utility Group: Green New Deal Points – There has been a lot of ink spilled on the Green New Deal. But, ERCC's Scott Segal wanted to offer a few key points:

1. Power generators have already been engaged in tangible efforts aimed at the greening of our generating assets, achieving deep strides by investing in clean energy including renewables, nuclear, hydroelectric, biomass and other sources as well as reducing the net carbon foot print of fossil fuel assets. This green transition is reflected both in power industry goals and in individual targets set by producers across the country.
2. The key to meeting environmental goals while ensuring reliable and affordable power for consumers like families, schools, and hospitals remains a commitment to diverse and balanced portfolios of generating assets and a grid that can safely and efficiently transmit power from a variety of sources.
3. Power producers have lead the way in assisting family households, business, and industry in managing energy demand in order to enhance energy efficiency while strengthening the grid through proper management.
4. Power producers are on the front line of addressing the concerns that motivate the Green New Deal (GND). GND advocates have acknowledged that any plan for GND must be developed through a consultative process with industry leaders and others. We look forward to sharing our real and practical thinking with advocates, including the reality of technological assumptions upon which any legislation might be based.
5. Any resulting GND legislation must maintain the reliability and resilience of the power supply; must not result in regressive impacts on those in society least able to afford it, such as energy rationing or cost spikes; must not undermine energy security; must not undermine the economy of the United States or hamstringing its international competitiveness; and must be based on realistic goals premised on energy diversity and actual environmental performance projections.

GND Groups Outline Their Vision – Hundreds of progressive groups recently outlined their vision for the GND in an [open letter](#) to Congress demanding a rapid transition to 100 percent renewable energy and explicitly rejecting virtually all forms of emissions-free power except solar and wind. The letter (notably lacking the [signatures of six](#) of the major national environmental groups) is one of several competing efforts to define a Green New Deal.

Energy Experts Tackle GND Issues – Former MIT Energy Researcher and current Harvard environmental fellow Dr. Jesse Jenkins and EIRP head Sam Thernstrom [wrote an op-ed in the NYTimes](#) that looks at deep decarbonization and what

may need to be in any Green New Deal to be effective and politically realistic. They argued since the early days of the modern environmental movement, activists have embraced solar and wind power. A “small is beautiful” mantra guided a “soft path” to the renewables revolution. Finally, Thernstrom and Jenkins say a breakthrough on climate will depend on a willingness by Democrats and others to harness the well-intended ambition of activists while focusing on practical ways to take carbon out of our power system. Otherwise, Republicans won’t go along, and it won’t be feasible for the electric power grid.

Top EPA Air Adviser Departs to Start Advocacy Group— Mandy Gunasekara, senior policy adviser and principal deputy assistant administrator in EPA's Office of Air and Radiation, sent a letter to President Trump today saying she was leaving the agency. She had been with the EPA since November 2017. Gunasekara will start a new 501c(4) group's focus will be "to defend the president and our many energy, environment and economic successes." Prior to EPA, Gunasekara served as majority counsel for the Senate Environment and Public Works Committee, which was led first by Sen. Jim Inhofe (R-Okla.) and then by Sen. John Barrasso (R-WY). She's also held various other Capitol Hill positions.

NOPEC Legislation approved by House Judiciary: The House Judiciary Committee, now led by Democrats, advanced the “No Oil Producing and Exporting Cartels Act” Thursday. That sets the bipartisan “NOPEC” bill, which would subject the cartel to possible antitrust action by the Department of Justice, up for a possible House vote. A similar bill targeting OPEC was introduced in the Senate on Thursday.

DOE Rolls Out New Energy Efficiency Process Rule: This is a little wonky but really important. In fact, I suspect this will come up next week at the House Energy Panel hearing on energy efficiency. DOE has issued a pre-publication proposed rule to streamline and modernize the so-called “Process Rule.” The proposal would substantially improve the agency’s process for setting energy efficiency standards and test procedures for residential appliances and commercial equipment, enhancing transparency, accountability, and regulatory certainty for stakeholders. Air-Conditioning, Heating, and Refrigeration Institute (AHRI) President Stephen Yurek said the rule is critical to making the efficiency rulemaking process transparent, predictable, and timely. AHRI is a trade association representing manufacturers of HVACR and water heating equipment and works closely with DOE as it fulfills its Congressionally mandated duty to set America’s appliance energy efficiency standards.

Interior Announce \$1 Billion in Lease Sales in 2018: Interior’s Bureau of Land Management (BLM) state offices generated \$1.1 billion from oil and gas lease sales in calendar year 2018, an amount nearly equal to the BLM’s budget for Fiscal Year 2018, and the highest-grossing year on record, nearly tripling what had been the agency’s highest year ever in 2008, which generated approximately \$408 million. Bonus bids from the 28 oil and gas lease sales held in calendar year 2018 came to \$1,151,109,064 in preliminary figures released today by the BLM. Among these, a total of 1,412 parcels, covering almost 1.5 million acres, were leased. The Chamber’s Global Energy Institute President Karen Harbert said the sales are further evidence that America is now a global energy superpower. “Last year’s sales set a new record, tripling the previous year—a remarkable accomplishment from a Department that is determined to put America’s bountiful natural energy resources to work for all Americans. This accomplishment undoubtedly makes America stronger by generating new jobs and new revenue to fund priority programs. With 28 oil and gas lease sales scheduled in 2019, we look forward to even more to come.”

ON THE SCHEDULE THIS WEEK

Wheeler, Murkowski, Chatterjee, Others Headline NARUC Winter Meeting – The National Association of Regulatory Utility Commissioners’ (NARUC) Winter Policy Summit will be held at the Renaissance Washington DC hotel today through Wednesday. The Summit will convene an array of speakers from federal agencies, industry, advocacy organizations, and more. This morning, EPA head Andy Wheeler addressed the groups while election expert Stuart Rothenberg, EPA’s Bill Wehrum, FERC Commissioner McNamee speak tomorrow and Senate Energy Chair Murkowski, FERC Chair Chatterjee and DOE Undersecretary Menezes speak Wednesday. The committee meetings and general sessions will provide the latest policy updates related to utility regulation. Key resolutions will be discussed and approved by the board of directors at the conclusion of the meeting.

Ethanol Conference Set – The RFA's [National Ethanol Conference](#) is set for the JW Marriott Grande Lakes in Orlando from Today through Wednesday. Speakers include former Senate Leader Tom Daschle, analyst Philip Verleger, *The Circus* co-Hosts John Heilemann and Mark McKinnon, among others.

POSTPONED -- HVACR Experts to Testify at House Energy on Efficiency – The House Energy and Commerce Energy Subcommittee will postpone its hearing tomorrow on the Energy Department's efficiency standards and its Impact on consumers and the climate. AHRI President Steve Yurek will testify. It is being delayed by the funeral of Rep. John Dingell.

LNG Conference Set – S&P Global Platts holds its [18th annual LNG Conference](#) in Houston tomorrow and Wednesday at The Houstonian. The conference covers the state of the international LNG market, as well as its competitive environment, supply, demand, markets, price, and shipping.

House Resources Look at Climate, Energy Transition, Tribal Communities – The House Natural Resources Energy and Mineral Resources Subcommittee holds a hearing tomorrow at 10:00 a.m. on climate change and the energy transition. Then at 2:00 p.m., the Indigenous Peoples Subcommittee discusses the impacts of climate change on tribal communities.

Approps Panel to Look at DOE Weatherization – The House Appropriations Energy and Water Development, and Related Agencies Subcommittee holds a hearing tomorrow at 10:00 a.m. on DOE's Weatherization Assistance Program. Witnesses include Washington State Department of Commerce Energy Director Michael Furze, DOE Weatherization office director Annamaria Garcia, Terry Jacobs of the Great Lakes Community Action Partnership and National Association for State Community Services Program Weatherization Assistance Program Director Amy Klusmeier.

Forum to Look at Battery Storage – Battery Council International holds a briefing on energy storage and battery research.

Forum to Look at IMO Shipping Diesel Rules – Citigroup hosts forum tomorrow night in New York on International Maritime Organization rules to require a steep cut in sulfur oxide emissions from ships. The session explores the implications of the new IMO rules for the different stakeholders and the broader oil and gas markets. Speakers will share perspectives from the shipping, refinery and fuel demand side and discuss developments and challenges to comply with these rules. AFPM's Susan Grissom and Stephen Jones is Global Head of Oil Products at Argus are among the speakers.

Esty Headlines Latin American Energy Discussion – Atlantic Council Global Energy Center [holds a discussion tomorrow](#) at 6:00 p.m. on corporate sustainability in Latin America featuring prizewinning author and Yale Professor Daniel C. Esty. The 21st century has seen the rise of a new focus on corporate sustainability around the world, and forward-thinking business leaders in Latin America are paying close attention. Across the region, companies large and small have sought to increase profitability, win customer loyalty, and outperform competitors through incorporating sustainability principles into their business strategy and operations. Global Energy Center Deputy Director for Climate and Advanced Energy David Livingston discusses the topic with Professor Esty, who has just published *The Labyrinth of Sustainability: Green Business Lessons from Latin American Corporate Leaders* (Anthem Press, 2019), featuring case studies written by leading academics and practitioners that focus on renewable energy, energy efficiency, water sustainability, recycling, and other corporate sustainability initiatives.

BCSE, Bloomberg to Release 2019 Sustainable Energy Factbook – The Business Council for Sustainable Energy (BCSE) and Bloomberg New Energy Finance (BNEF) will release the 2019 edition of the [Sustainable Energy in America Factbook](#) on Wednesday morning at BNEF offices in DC. The Factbook provides up-to-date, accurate market information about the broad range of industries — energy efficiency, natural gas and renewable energy— that are contributing to the country's move towards cleaner energy production and more efficient energy usage.

MOVED – House Science Looks at Climate Science – The House Science, Space and Technology Committee holds a hearing tomorrow at 10:00 a.m. on climate science. Witnesses will include Cornell's Natalie Mahowald, Rutgers' Robert

Kopp, Jennifer Francis of the Woods Hole Research Center, Joseph Majkut of the Niskanen Center and Kristie Ebi from the University of Washington.

House Resources to Look at Climate, Public Lands – The House Natural Resources Committee's Subcommittee on National Parks, Forests, and Public Lands will hold an oversight hearing Wednesday at 10:00 a.m. on climate change and public lands that will examine impacts and consider adaptation opportunities.

Senate Enviro Hearing set for Invasive Species – The Senate Environment Committee holds a hearing Wednesday at 10:00 a.m. on invasive species threats, protecting wildlife, public health, and infrastructure.

Senate Commerce to Look at Infrastructure – The Senate Commerce Committee holds a hearing on Wednesday around 10:15 a.m. looking at America's infrastructure needs. The hearing will focus on opportunities for infrastructure improvement, including federal funding, financing programs, and permitting and regulatory streamlining. Witnesses will include Cleveland-Cuyahoga County Port Authority CEO Bill Friedman, Association of American Railroads CEO Ian Jefferies, American Cable Association CEO Matthew Polka, American Trucking Association CEO Chris Spear and Larry Willis of the Transportation Trades Department.

Forum to Look at Central American Power Markets – The US Energy Assn holds a forum on Wednesday at 10:00 a.m. to discuss the key policies and lessons learned from Central American Power Markets. The authors, Juan A.B. Belt and Silvia Alvarado de Córdoba, will present their analysis of the power sector reforms that have taken place in Central America countries and will identify measures to increase the efficiency of the region's power markets. The paper focuses on the use of competitive bidding (auctions) for power and discusses the issues around the functioning of the Regional Central American Interconnected Market (Mercado Eléctrico Regional or MER). The authors argue that given the size of the Central American markets, their level of development, and the socioeconomic environment they face, lessons from those countries can be applicable to a wide range of countries in sub-Saharan Africa, Asia, and the Middle East and North Africa.

ClearPath, DOE Nuclear Event to Discuss Advanced Nuclear – The Department of Energy's Office of Nuclear Energy, ClearPath and the U.S. Nuclear Industry Council hold a forum on Wednesday at 11:30 a.m. in the U.S. Capitol Visitors Center's Senate SVC 208-9 on the value proposition for advanced nuclear. The event will focus on clean energy, economics and safety.

2019 Energy Storage Policy Forum Set – The Energy Storage Association is hosting its 2019 Energy Storage Policy Forum at the National Press Club on Wednesday. The policy forum will bring together a diverse set of stakeholders – from federal regulators to policy makers and utility executives to storage industry members – to discuss the policy changes driving energy storage deployment in the U.S. Speakers include FERC Chairman Neil Chatterjee, Washington Utilities and Transportation Commissioner Ann Rendahl, Michigan PSC Chair Sally Talberg, and ESA CCEO and former Maryland PSC Chair Kelly Speakes-Backman.

AAAS Meeting Set – The American Association for the Advancement of Science holds 2019 Annual Meeting on Thursday and Friday.

EPA Holds NSR Hearing – The EPA rescheduled its public hearing on the proposal to revise the New Source Performance Standards (NSPS) for greenhouse gas emissions from new, modified, and reconstructed fossil fuel-fired power plants.

Senate Energy to Look Energy Cyber Security – The Senate Energy Committee will hold a hearing Thursday at 10:00 a.m. to consider the status and outlook for cybersecurity efforts in the energy industry. Witnessed include FERC Chair Neil Chatterjee, DOE Cyber Assistant Secretary Karen Evans, Major William Keber of the West Virginia National Guard NERC CEO James Robb and David Edward Whitehead of Schweitzer Engineering Labs.

Forum to Look at Carbon Emissions – The Stanford Woods Institute for the Environment will hold a panel discussion on Thursday at Noon at the National Press Club focused on recent evidence showing that carbon dioxide emissions are surging after a period of slowed growth. Stanford University researchers, including a lead author of the Global Carbon

Project's CO2 emissions report, will join other energy experts to discuss the major causes behind the shift in the global emissions trajectory; implications for reaching the target in the Paris Agreement; and where efforts should be concentrated to generate future emissions reductions. Please view our website for more information.

WRI to Look at Sustainable Cities – The World Resources Institute holds an event on Thursday at Noon designing sustainable cities and whether urban planning and design make cities more resilient. WRI's Robin King and University of Oxford's Cathy Baldwin will discuss their new book, *Social Sustainability, Climate Resilience and Community-Based Urban Development: What About the People?* King and Baldwin explore the relationship between urban built environments and pro-community behaviors and psychological responses, which include positive acts and states of mind that are beneficial to communities and their residents.

Forum to Look at Climate Science, Technology, Policy – On Thursday at 4:00 p.m. in the Capitol Visitor Center Room North 268, Duke University's Nicholas Institute for Environmental Policy Solutions, Stanford Woods Institute for the Environment, and Resources for the Future are joining together to provide Congressional offices with updates on the latest climate science and policy research. Led by Woods Director, Chris Field, a panel of experts from the three organizations will participate in a moderated discussion on emissions trends, technology developments and solutions, and developments on the science and politics of climate change policy. The moderated discussion will be followed by an off-the-record question and answer session addressing areas of interest identified by attendees.

GWU To Host Book on Climate – On Thursday at 4:00 p.m., the Environmental and Energy Law Program at GW is bringing Professor Randall S. Abate from Monmouth University to discuss his book, *Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources*. The presentation first identifies the common vulnerabilities of the voiceless in the Anthropocene era. It then proposes how the law can evolve to protect their interests more effectively through a stewardship-focused and rights-based system derived from the mandate inherent in the concept of sustainable development.

Clean Energy Forum Set – The Association of Energy Engineers- National Capital Chapter (AEE NCC) and Leaders in Energy (LE) will hold its 5th annual Energy & Sustainability Extravaganza at The George Washington University Marvin Center on Friday at 11:00 a.m. The theme this year is "Getting to Net Zero Emissions in Energy, Carbon, Water, and Waste." This event will highlight innovative concepts, technologies, policies, products, and services in the university and business communities which are advancing ways to utilize clean energy, achieve zero waste, and use water efficiently.

Nuclear Experts to Discuss Technology Opportunities – On Friday at Noon, the Foundation for Nuclear Studies holds a lunch briefing where Craig Piercy, Washington Representative for the American Nuclear Society and Harlan Bowers, President of X-Energy will give an overview of the past, present, and future of nuclear technology.

IN THE FUTURE

OSW Events Planned For Region Updates – The Business Network for Offshore wind is holding three events to expand membership and provide regional OSW updates. The event start in NYC next Monday when they hold a happy hour at 5:00 p.m. at Penn Plaza. Then, Wednesday, they will provide update on the states of New Jersey and New York in Princeton at 4:00 p.m. Finally, on February 26th, Network CEO Liz Burdock will make a presentation on offshore wind in California at 5:30 p.m. at the Prohibition Lounge in San Diego.

Forum to Look at Climate, Migration – Next Tuesday at 2:00 p.m., the American Security Project holds a discussion on the future of climate change, migration, and security and how we can begin to build resiliency both from the ground up and top down. How will the world prepare for the anticipated influx of people on the move? What does that mean for the communities that hold them? And what security consequences could arise? Speakers include Brigadier General Stephen A. Cheney (Ret.) and Major General Muniruzzaman (Ret.) is a former career military officer in Bangladesh who spent over 38 years on active duty.

Forum to Look at RGGI – On Wednesday, February 20th at 12:30 p.m. Georgetown's Mortara Center for International Studies Energy and Climate Policy Seminar will host RFF's Dallas Burtraw for a discussion of the Regional Greenhouse

Gas Initiative. Burtraw is a Senior Fellow at Resources for the Future, an American nonprofit organization that conducts research regarding the environment, energy, and natural resources.

Forum to Look at Oil, Saudi Arabia, OPEC – On Wednesday, February 20th at 5:00 p.m., Johns Hopkins University's ERE program will discuss OPEC production issues along with the status of domestic reforms in Saudi Arabia in the wake of the assassination of journalist Jamal Khashoggi. Speakers will include SAIS Adjunct Professor Jean-François Seznec and Fareed Mohamedi, Managing Director of SIA-Energy International and formerly PFC Energy and Saudi Aramco.

CSIS Forum to Look at Global Oil Challenges – On Thursday, February 21st between 8:45 a.m. to 2:00 p.m., the Center for Strategic & International Studies will host a group of experts to discuss the outlook for global oil markets. Looming questions on the weakening of the global economy, the impacts of trade disputes, prospects for continued U.S. production growth given volatile prices, productivity challenges, cash flow constraints, evolving bottlenecks and export capacity, crude quality and regulatory challenges (RFS and IMO), and renewed call for a green energy transformation continue to plague investors and strategic planners alike. Speakers will include ClearView's Kevin Book, analyst Rusty Braziel, Wood-MacKenzie's Ann-Louise Hittle and Michael Wittner of Société Générale, among others.

Wilson Forum to Look at New Energy Vehicle in China – The Woodrow Wilson Center hosts a forum on Thursday, February 21st at 9:30 a.m. China's effort to promote the development of new-energy vehicles (NEVs) - plug-in hybrids, pure-battery electrics, and fuel-cell autos. The event will examine China's NEV initiative. Feng An (Innovation Center for Energy and Technology, iCET) will cruise through China's NEV roadmap, as well as the economic, environmental, and energy security implications of the initiative. Scott Kennedy (CSIS) sees systemic economic roadblocks that could lead the initiative to fall far short of its goals to phase out combustion engine vehicles by 2050. David Sandalow (Columbia University) will compare the electric vehicle (EV) charging policies, markets, and business models in the U.S. and China. Camron Gorguinpour (World Resources Institute) will highlight the global impact of China's electric vehicle boom, and how other countries could gain insights from China's green auto sector.

Women's Energy Network Winter Happy Hour – Forbes Tate Partners hosts the Women's Energy Network Winter Happy Hour on Thursday, February 21st at 6:00 p.m.

Forum on Storage Set for SF – The 12th annual Storage Week will be held on February 25-27 in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

NAFTA, USMCA Forum Set – The US-Mexico Chamber of Commerce hosts the 18th Congressional Border Issues and NAFTA/USMCA Conference on February 26th in DC. The conference aims to provide a venue for an open and timely discussion on current conditions at the border and how these challenges can and should be addressed. DHS head Kristjen Nielson, Reps. Mike McCaul and Henry Cuellar will all speak.

CSIS to Host BP Outlook – On Wednesday, February 27th at 10:30 a.m., CSIS will host the U.S. launch of 2019 BP Energy Outlook with Spencer Dale, group chief economist of BP. The global energy system faces a challenge to provide significantly more energy while simultaneously reducing emissions. What forces are shaping the energy transition through 2040? The Outlook outlines BP's view on future of global energy demand—and the global energy transition—by exploring four scenarios through three lenses: sector, region, and fuel. Dale will present the scenarios of the Outlook, followed by a moderated conversation with Sarah Ladislav.

AWEA Members to Go to Capitol Hill – On March 5-6, AWEA will hold Wind Power on Capitol Hill, which brings companies to Washington, D.C. to meet their representatives in the House and Senate. The event is an opportunity for AWEA members and others who want to help advance wind energy to participate in advocacy training and then put that training to work to educate legislators and their staff on the wind industry's top policy initiatives at the federal level.

Forum to Look at Mexican Energy Sector in First 100 Days of New President – Talanza Energy will host a forum in Houston, TX on March 20th to discuss the first 100 days of the new Mexican President and its impacts on energy. The event will look at the challenges and opportunities for the Mexican Energy sector from a risk management perspective. Speakers will include MIT's Lourdes Melgar (a former Mexican Undersecretary of Hydrocarbons), UHouston Law Professor Sashe Dimitroff and Talanza CEO and former Director General of E&P in the Mexican Ministry of Energy Marco Cota.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 2/11/2019 8:28:08 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Feb 11 PRG Energy Update: Sustainability Factbook Release reveals Energy Use Wednesday

Friends,

I hope you were able to catch the Grammys last night. *A Star is Born* scored big, along with Drake and rising star Brandi Carlile, among others. Michelle Obama dropped in on the event with host Alicia Keys and a powerful message. There was a star-studded tribute to the incredible Dolly Parton (which she starred in), who you have to love even if you don't like country music.

Of course, this week starts on a sad note with the loss of Michigan Congressional legend John Dingell, who had some much impact in our energy and environment space, as well as many others. As a young Congressional staffer in the Michigan delegation, I saw first-hand his expertise, toughness and humor, as well as his personal investment in all staff (even those that worked for others) that he guided. Ironically, he passed away one year to the day after Rep. Joe Knollenberg, who I worked for and who Dingell often teamed up with for bipartisan efforts to protect auto workers. And as usual, just like Dingell always did, he got the last word on all of us. He dictated a wonderful last word that the *Washington Post* ran as an op-ed yesterday. His funeral will be on Tuesday and will delay some action in DC, including the tomorrow's House Energy hearing on energy efficiency rules featuring AHRI President Steve Yurek.

If you followed last week's action on the Green New Deal, one of the few roadmaps or reality checks on how we use energy will be released Wednesday at 9:30 a.m. when The Business Council for Sustainable Energy (BCSE) and BloombergNEF (BNEF) host a briefing on their 7th annual *Sustainable Energy in America Factbook*. Each year, the *Factbook* provides comprehensive information and analysis on major sustainable energy facts and trends from the previous year. I am hoping you can attend as you will have access to a number of key trade association heads to ask about the GND, including SEIA's Abby Hopper, AGA's Dave McCurdy and AWEA's Tom Kiernan.

Back to the Hill, shutdown talks drift toward another deadline on Friday that threatens EPA, Interior and other Commerce Science funding. And we will also see lots more climate hearings tomorrow and Wednesday. Most importantly, House Science moves its climate science hearing to Wednesday from tomorrow because of the Dingell funeral. House Resources has three climate hearings on Tuesday and Wednesday and Senate Energy has FERC Chair Chatterjee and others on Thursday to discuss energy cybersecurity. Also, EPA holds a public hearings Thursday on its rule to revise the New Source Performance Standards (NSPS) for GHG emissions from new, modified and reconstructed fossil fuel-fired power plants.

In town, NARUC officials are here and I suspect one of the major items of discussion will be the next FERC Commissioner. EPA head Amy Wheeler spoke this morning and election expert Stuart Rothenberg, EPA's Bill Wehrum and FERC Commissioner McNamee speak tomorrow. Senate Energy Chair Murkowski, FERC Chair Chatterjee and DOE Undersecretary Menezes speak Wednesday. Meanwhile, out of town, our friends in the ethanol industry hold their annual conference in Orlando. If you are covering, we are happy to help provide context for anything that may come out of the meeting. As a present for the conference, pro-ethanol Ag economist Scott Irwin for the fourth time hit the reasons for the bottomed-out ethanol price and it is NOT small refinery waivers (as our ethanol friends continue to claim). Irwin: "Ethanol production in the U.S. looks to have topped 16 billion gallons for the first time in 2018 and this has simply been too much for the domestic (and export) fuel markets to absorb."

Finally, as you know last week I refereed the Congressional Hockey game. The lawmakers – with 8 members playing – won 4-3, but more importantly, the Caps TV network (Monumental Sports) enlisted Caps announcers Joe Beninati and Alan May to actually call the game. It is worth watching the link.

Have a GREAT Valentine's Day and don't forget the FLOWERS...Please feel free to call with questions.

Best,

Frank Maisano
(202) 828-5864
C. (202) 997-5932

FRANKLY SPOKEN

“Ethanol production in the U.S. looks to have topped 16 billion gallons for the first time in 2018 and this has simply been too much for the domestic (and export) fuel markets to absorb.”

U of Illinois Ag Economist Scott Irwin in his [new paper](#) on why ethanol Prices are so low.

“Rep. John Dingell was one of a kind. We may not be so lucky or blessed to see his likeness again.”

Georgia Democratic Rep. John Lewis, paying tribute to his longtime House colleague.

ON THE POD

Cap Crude Experts Discuss Latest Venezuela Impacts – On this week's [Platts Capitol Crude podcast](#), Paul Sheldon, chief geopolitical advisor with S&P Global Platts Analytics, and Risa Grais-Targow, the Eurasia Group's director for Latin America, break down the market impacts of the US sanctions on PDVSA.

FUN OPINIONS

Ag Econ Expert Highlights Reasons For Ethanol Woes – As a present for the [ethanol conference](#) this week, pro-ethanol Ag economist Scott Irwin for the fourth time hit the reasons for the bottomed-out ethanol price and it is NOT small refinery waivers (as our ethanol friends continue to claim). In a [new paper](#) just released as the national ethanol confab launches in Orlando, Irwin once again deviates from ethanol group-think using actual data to examine the repeated claim that EPA's issuance of SRE waivers is the root cause of ethanol price weakness. Irwin's conclusion? As he says on [Twitter](#), “Analysis points to increasing supply of ethanol as the main culprit in explaining low ethanol prices.” Message to conference attendees: there's still time to convene a working group to try out the next specious anti-refinery claim.

IN THE NEWS

CCS Legislation Reintroduced – The Senators Thursday introduced two bipartisan plans to bolster carbon capture technologies. Senate Environment Chairman John Barrasso (R-Wyo.) and Sen. Sheldon Whitehouse (D-R.I.) led the [reintroduction of the USE IT Act](#), which aims to make carbon dioxide pipelines and other infrastructure projects eligible for streamlined permitting. Other cosponsors are Republicans Shelley Moore Capito (WV), Kevin Cramer (ND) and Mike Enzi (WY), EPW Ranking Member Tom Carper (D-DE), Energy and Natural Resources ranking member Joe Manchin (D-WV) and fellow Democrats Tina Smith (MN) and Tammy Duckworth (IL). Sens. John Hoeven (R-ND) and Smith Thursday also led the introduction of the [Carbon Capture Modernization Act](#), which would modify the 48A tax credit to encourage more carbon capture at coal facilities. The bill is also cosponsored by Cramer, Manchin, Barrasso and Sens. Jon Tester (D-MT), Lindsey Graham (R-SC) and Steve Daines (R-MT).

Utility Group: Green New Deal Points – There has been a lot of ink spilled on the Green New Deal. But, ERCC's Scott Segal wanted to offer a few key points:

1. Power generators have already been engaged in tangible efforts aimed at the greening of our generating assets, achieving deep strides by investing in clean energy including renewables, nuclear, hydroelectric, biomass and other sources as well as reducing the net carbon foot print of fossil fuel assets. This green transition is reflected both in power industry goals and in individual targets set by producers across the country.

2. The key to meeting environmental goals while ensuring reliable and affordable power for consumers like families, schools, and hospitals remains a commitment to diverse and balanced portfolios of generating assets and a grid that can safely and efficiently transmit power from a variety of sources.
3. Power producers have lead the way in assisting family households, business, and industry in managing energy demand in order to enhance energy efficiency while strengthening the grid through proper management.
4. Power producers are on the front line of addressing the concerns that motivate the Green New Deal (GND). GND advocates have acknowledged that any plan for GND must be developed through a consultative process with industry leaders and others. We look forward to sharing our real and practical thinking with advocates, including the reality of technological assumptions upon which any legislation might be based.
5. Any resulting GND legislation must maintain the reliability and resilience of the power supply; must not result in regressive impacts on those in society least able to afford it, such as energy rationing or cost spikes; must not undermine energy security; must not undermine the economy of the United States or hamstring its international competitiveness; and must be based on realistic goals premised on energy diversity and actual environmental performance projections.

GND Groups Outline Their Vision – Hundreds of progressive groups recently outlined their vision for the GND in an [open letter](#) to Congress demanding a rapid transition to 100 percent renewable energy and explicitly rejecting virtually all forms of emissions-free power except solar and wind. The letter (notably lacking the [signatures of six](#) of the major national environmental groups) is one of several competing efforts to define a Green New Deal.

Energy Experts Tackle GND Issues – Former MIT Energy Researcher and current Harvard environmental fellow Dr. Jesse Jenkins and EIRP head Sam Thernstrom [wrote an op-ed in the NYTimes](#) that looks at deep decarbonization and what may need to be in any Green New Deal to be effective and politically realistic. They argued since the early days of the modern environmental movement, activists have embraced solar and wind power. A “small is beautiful” mantra guided a “[soft path](#)” to the renewables revolution. Finally, Thernstrom and Jenkins say a breakthrough on climate will depend on a willingness by Democrats and others to harness the well-intended ambition of activists while focusing on practical ways to take carbon out of our power system. Otherwise, Republicans won’t go along, and it won’t be feasible for the electric power grid.

Top EPA Air Adviser Departs to Start Advocacy Group– Mandy Gunasekara, senior policy adviser and principal deputy assistant administrator in EPA's Office of Air and Radiation, sent a letter to President Trump today saying she was leaving the agency. She had been with the EPA since November 2017. Gunasekara will start a new 501c(4) group's focus will be "to defend the president and our many energy, environment and economic successes." Prior to EPA, Gunasekara served as majority counsel for the Senate Environment and Public Works Committee, which was led first by Sen. Jim Inhofe (R-Okla.) and then by Sen. John Barrasso (R-WY). She's also held various other Capitol Hill positions.

NOPEC Legislation approved by House Judiciary: The House Judiciary Committee, now led by Democrats, advanced the “No Oil Producing and Exporting Cartels Act” Thursday. That sets the bipartisan “NOPEC” bill, which would subject the cartel to possible antitrust action by the Department of Justice, up for a possible House vote. A similar bill targeting OPEC was introduced in the Senate on Thursday.

DOE Rolls Out New Energy Efficiency Process Rule: This is a little wonky but really important. In fact, I suspect this will come up next week at the House Energy Panel hearing on energy efficiency. DOE has issued a pre-publication [proposed rule](#) to streamline and modernize the so-called “Process Rule.” The proposal would substantially improve the agency’s process for setting energy efficiency standards and test procedures for residential appliances and commercial equipment, enhancing transparency, accountability, and regulatory certainty for stakeholders. Air-Conditioning, Heating, and Refrigeration Institute (AHRI) President Stephen Yurek said the rule is critical to making the efficiency rulemaking process transparent, predictable, and timely. AHRI is a trade association representing manufacturers of HVACR and

water heating equipment and works closely with DOE as it fulfills its Congressionally mandated duty to set America's appliance energy efficiency standards.

Interior Announce \$1 Billion in Lease Sales in 2018: Interior's Bureau of Land Management (BLM) state offices generated \$1.1 billion from oil and gas lease sales in calendar year 2018, an amount nearly equal to the BLM's budget for Fiscal Year 2018, and the highest-grossing year on record, nearly tripling what had been the agency's highest year ever in 2008, which generated approximately \$408 million. Bonus bids from the 28 oil and gas lease sales held in calendar year 2018 came to \$1,151,109,064 in preliminary figures released today by the BLM. Among these, a total of 1,412 parcels, covering almost 1.5 million acres, were leased. The Chamber's Global Energy Institute President Karen Harbert said the sales are further evidence that America is now a global energy superpower. "Last year's sales set a new record, tripling the previous year—a remarkable accomplishment from a Department that is determined to put America's bountiful natural energy resources to work for all Americans. This accomplishment undoubtedly makes America stronger by generating new jobs and new revenue to fund priority programs. With 28 oil and gas lease sales scheduled in 2019, we look forward to even more to come."

ON THE SCHEDULE THIS WEEK

Wheeler, Murkowski, Chatterjee, Others Headline NARUC Winter Meeting – The National Association of Regulatory Utility Commissioners' (NARUC) Winter Policy Summit will be held at the Renaissance Washington DC hotel today through Wednesday. The Summit will convene an array of speakers from federal agencies, industry, advocacy organizations, and more. This morning, EPA head Andy Wheeler addressed the groups while election expert Stuart Rothenberg, EPA's Bill Wehrum, FERC Commissioner McNamee speak tomorrow and Senate Energy Chair Murkowski, FERC Chair Chatterjee and DOE Undersecretary Menezes speak Wednesday. The committee meetings and general sessions will provide the latest policy updates related to utility regulation. Key resolutions will be discussed and approved by the board of directors at the conclusion of the meeting.

Ethanol Conference Set – The RFA's National Ethanol Conference is set for the JW Marriott Grande Lakes in Orlando from Today through Wednesday. Speakers include former Senate Energy Leader Tom Daschle, analyst Philip Verleger, *The Circus* co-Hosts John Heilemann and Mark McKinnon, among others.

POSTPONED -- HVACR Experts to Testify at House Energy on Efficiency – The House Energy and Commerce Energy Subcommittee will postpone its hearing tomorrow on the Energy Department's efficiency standards and its Impact on consumers and the climate. AHRI President Steve Yurek will testify. It is being delayed by the funeral of Rep. John Dingell.

LNG Conference Set – S&P Global Platts holds its 18th annual LNG Conference in Houston tomorrow and Wednesday at The Houstonian. The conference covers the state of the international LNG market, as well as its competitive environment, supply, demand, markets, price, and shipping.

House Resources Look at Climate, Energy Transition, Tribal Communities – The House Natural Resources Energy and Mineral Resources Subcommittee holds a hearing tomorrow at 10:00 a.m. on climate change and the energy transition. Then at 2:00 p.m., the Indigenous Peoples Subcommittee discusses the impacts of climate change on tribal communities.

Approps Panel to Look at DOE Weatherization – The House Appropriations Energy and Water Development, and Related Agencies Subcommittee holds a hearing tomorrow at 10:00 a.m. on DOE's Weatherization Assistance Program. Witnesses include Washington State Department of Commerce Energy Director Michael Furze, DOE Weatherization office director Annamaria Garcia, Terry Jacobs of the Great Lakes Community Action Partnership and National Association for State Community Services Program Weatherization Assistance Program Director Amy Klusmeier.

Forum to Look at Battery Storage – Battery Council International holds a briefing on energy storage and battery research.

Forum to Look at IMO Shipping Diesel Rules – Citigroup hosts forum tomorrow night in New York on International Maritime Organization rules to require a steep cut in sulfur oxide emissions from ships. The session explores the implications of the new IMO rules for the different stakeholders and the broader oil and gas markets. Speakers will share perspectives from the shipping, refinery and fuel demand side and discuss developments and challenges to comply with these rules. AFPM's Susan Grissom and Stephen Jones is Global Head of Oil Products at Argus are among the speakers.

Esty Headlines Latin American Energy Discussion – Atlantic Council Global Energy Center holds a discussion tomorrow at 6:00 p.m. on corporate sustainability in Latin America featuring prizewinning author and Yale Professor Daniel C. Esty. The 21st century has seen the rise of a new focus on corporate sustainability around the world, and forward-thinking business leaders in Latin America are paying close attention. Across the region, companies large and small have sought to increase profitability, win customer loyalty, and outperform competitors through incorporating sustainability principles into their business strategy and operations. Global Energy Center Deputy Director for Climate and Advanced Energy David Livingston discusses the topic with Professor Esty, who has just published *The Labyrinth of Sustainability: Green Business Lessons from Latin American Corporate Leaders* (Anthem Press, 2019), featuring case studies written by leading academics and practitioners that focus on renewable energy, energy efficiency, water sustainability, recycling, and other corporate sustainability initiatives.

BCSE, Bloomberg to Release 2019 Sustainable Energy Factbook – The Business Council for Sustainable Energy (BCSE) and Bloomberg New Energy Finance (BNEF) will release the 2019 edition of the Sustainable Energy in America Factbook on Wednesday morning at BNEF offices in DC. The Factbook provides up-to-date, accurate market information about the broad range of industries — energy efficiency, natural gas and renewable energy— that are contributing to the country's move towards cleaner energy production and more efficient energy usage.

MOVED – House Science Looks at Climate Science – The House Science, Space and Technology Committee holds a hearing tomorrow at 10:00 a.m. on climate science. Witnesses will include Cornell's Natalie Mahowald, Rutgers' Robert Kopp, Jennifer Francis of the Woods Hole Research Center, Joseph Majkut of the Niskanen Center and Kristie Ebi from the University of Washington.

House Resources to Look at Climate, Public Lands – The House Natural Resources Committee's Subcommittee on National Parks, Forests, and Public Lands will hold an oversight hearing Wednesday at 10:00 a.m. on climate change and public lands that will examine impacts and consider adaptation opportunities.

Senate Enviro Hearing set for Invasive Species – The Senate Environment Committee holds a hearing Wednesday at 10:00 a.m. on invasive species threats, protecting wildlife, public health, and infrastructure.

Senate Commerce to Look at Infrastructure – The Senate Commerce Committee holds a hearing on Wednesday around 10:15 a.m. looking at America's infrastructure needs. The hearing will focus on opportunities for infrastructure improvement, including federal funding, financing programs, and permitting and regulatory streamlining. Witnesses will include Cleveland-Cuyahoga County Port Authority CEO Bill Friedman, Association of American Railroads CEO Ian Jefferies, American Cable Association CEO Matthew Polka, American Trucking Association CEO Chris Spear and Larry Willis of the Transportation Trades Department.

Forum to Look at Central American Power Markets – The US Energy Assn holds a forum on Wednesday at 10:00 a.m. to discuss the key policies and lessons learned from Central American Power Markets. The authors, Juan A.B. Belt and Silvia Alvarado de Córdoba, will present their analysis of the power sector reforms that have taken place in Central America countries and will identify measures to increase the efficiency of the region's power markets. The paper focuses on the use of competitive bidding (auctions) for power and discusses the issues around the functioning of the Regional Central American Interconnected Market (Mercado Eléctrico Regional or MER). The authors argue that given the size of the Central American markets, their level of development, and the socioeconomic environment they face, lessons from those countries can be applicable to a wide range of countries in sub-Saharan Africa, Asia, and the Middle East and North Africa.

ClearPath, DOE Nuclear Event to Discuss Advanced Nuclear – The Department of Energy's Office of Nuclear Energy, ClearPath and the U.S. Nuclear Industry Council hold a forum on Wednesday at 11:30 a.m. in the U.S. Capitol Visitors Center's Senate SVC 208-9 on the value proposition for advanced nuclear. The event will focus on clean energy, economics and safety.

2019 Energy Storage Policy Forum Set – The Energy Storage Association is hosting its 2019 Energy Storage Policy Forum at the National Press Club on Wednesday. The policy forum will bring together a diverse set of stakeholders – from federal regulators to policy makers and utility executives to storage industry members – to discuss the policy changes driving energy storage deployment in the U.S. Speakers include FERC Chairman Neil Chatterjee, Washington Utilities and Transportation Commissioner Ann Rendahl, Michigan PSC Chair Sally Talberg, and ESA CCEO and former Maryland PSC Chair Kelly Speakes-Backman.

AAAS Meeting Set – The American Association for the Advancement of Science holds 2019 Annual Meeting on Thursday and Friday.

EPA Holds NSR Hearing – The EPA rescheduled its public hearing on the proposal to revise the New Source Performance Standards (NSPS) for greenhouse gas emissions from new, modified, and reconstructed fossil fuel-fired power plants.

Senate Energy to Look Energy Cyber Security – The Senate Energy Committee will hold a hearing Thursday at 10:00 a.m. to consider the status and outlook for cybersecurity efforts in the energy industry. Witnessed include FERC Chair Neil Chatterjee, DOE Cyber Assistant Secretary Karen Evans, Major William Keber of the West Virginia National Guard NERC CEO James Robb and David Edward Whitehead of Schweitzer Engineering Labs.

Forum to Look at Carbon Emissions – The Stanford Woods Institute for the Environment will hold a panel discussion on Thursday at Noon at the National Press Club focused on recent evidence showing that carbon dioxide emissions are surging after a period of slowed growth. Stanford University researchers, including a lead author of the Global Carbon Project's CO2 emissions report, will join other energy experts to discuss the major causes behind the shift in the global emissions trajectory; implications for reaching the target in the Paris Agreement; and where efforts should be concentrated to generate future emissions reductions. Please view our website for more information.

WRI to Look at Sustainable Cities – The World Resources Institute holds an event on Thursday at Noon designing sustainable cities and whether urban planning and design make cities more resilient. WRI's Robin King and University of Oxford's Cathy Baldwin will discuss their new book, *Social Sustainability, Climate Resilience and Community-Based Urban Development: What About the People?* King and Baldwin explore the relationship between urban built environments and pro-community behaviors and psychological responses, which include positive acts and states of mind that are beneficial to communities and their residents.

Forum to Look at Climate Science, Technology, Policy – On Thursday at 4:00 p.m. in the Capitol Visitor Center Room North 268, Duke University's Nicholas Institute for Environmental Policy Solutions, Stanford Woods Institute for the Environment, and Resources for the Future are joining together to provide Congressional offices with updates on the latest climate science and policy research. Led by Woods Director, Chris Field, a panel of experts from the three organizations will participate in a moderated discussion on emissions trends, technology developments and solutions, and developments on the science and politics of climate change policy. The moderated discussion will be followed by an off-the-record question and answer session addressing areas of interest identified by attendees.

GWU To Host Book on Climate – On Thursday at 4:00 p.m., the Environmental and Energy Law Program at GW is bringing Professor Randall S. Abate from Monmouth University to discuss his book, *Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources*. The presentation first identifies the common vulnerabilities of the voiceless in the Anthropocene era. It then proposes how the law can evolve to protect their interests more effectively through a stewardship-focused and rights-based system derived from the mandate inherent in the concept of sustainable development.

Clean Energy Forum Set – The Association of Energy Engineers- National Capital Chapter (AEE NCC) and Leaders in

Energy (LE) will hold its 5th annual Energy & Sustainability Extravaganza at The George Washington University Marvin Center on Friday at 11:00 a.m. The theme this year is “Getting to Net Zero Emissions in Energy, Carbon, Water, and Waste.” This event will highlight innovative concepts, technologies, policies, products, and services in the university and business communities which are advancing ways to utilize clean energy, achieve zero waste, and use water efficiently.

Nuclear Experts to Discuss Technology Opportunities – On Friday at Noon, the Foundation for Nuclear Studies holds a lunch briefing where Craig Piercy, Washington Representative for the American Nuclear Society and Harlan Bowers, President of X-Energy will give an overview of the past, present, and future of nuclear technology.

IN THE FUTURE

OSW Events Planned For Region Updates – The Business Network for Offshore wind is holding three events to expand membership and provide regional OSW updates. The event starts in NYC next Monday when they hold a happy hour at 5:00 p.m. at Penn Plaza. Then, Wednesday, they will provide update on the states of New Jersey and New York in Princeton at 4:00 p.m. Finally, on February 26th, Network CEO Liz Burdock will make a presentation on offshore wind in California at 5:30 p.m. at the Prohibition Lounge in San Diego.

Forum to Look at Climate, Migration – Next Tuesday at 2:00 p.m., the American Security Project holds a discussion on the future of climate change, migration, and security and how we can begin to build resiliency both from the ground up and top down. How will the world prepare for the anticipated influx of people on the move? What does that mean for the communities that hold them? And what security consequences could arise? Speakers include Brigadier General Stephen A. Cheney (Ret.) and Major General Muniruzzaman (Ret.) is a former career military officer in Bangladesh who spent over 38 years on active duty.

Forum to Look at RGGI – On Wednesday, February 20th at 12:30 p.m. Georgetown’s Mortara Center for International Studies Energy and Climate Policy Seminar will host RFF’s Dallas Burtraw for a discussion of the Regional Greenhouse Gas Initiative. Burtraw is a Senior Fellow at Resources for the Future, an American nonprofit organization that conducts research regarding the environment, energy, and natural resources.

Forum to Look at Oil, Saudi Arabia, OPEC – On Wednesday, February 20th at 5:00 p.m., Johns Hopkins University’s ERE program will discuss OPEC production issues along with the status of domestic reforms in Saudi Arabia in the wake of the assassination of journalist Jamal Khashoggi. Speakers will include SAIS Adjunct Professor Jean-François Seznec and Fared Mohamedi, Managing Director of SIA-Energy International and formerly PFC Energy and Saudi Aramco.

CSIS Forum to Look at Global Oil Challenges – On Thursday, February 21st between 8:45 a.m. to 2:00 p.m., the Center for Strategic & International Studies will host a group of experts to discuss the outlook for global oil markets. Looming questions on the weakening of the global economy, the impacts of trade disputes, prospects for continued U.S. production growth given volatile prices, productivity challenges, cash flow constraints, evolving bottlenecks and export capacity, crude quality and regulatory challenges (RFS and IMO), and renewed call for a green energy transformation continue to plague investors and strategic planners alike. Speakers will include ClearView’s Kevin Book, analyst Rusty Braziel, Wood-MacKenzie’s Ann-Louise Hittle and Michael Wittner of Société Générale, among others.

Wilson Forum to Look at New Energy Vehicle in China – The Woodrow Wilson Center hosts a forum on Thursday, February 21st at 9:30 a.m. China’s effort to promote the development of new-energy vehicles (NEVs) - plug-in hybrids, pure-battery electrics, and fuel-cell autos. The event will examine China’s NEV initiative. Feng An (Innovation Center for Energy and Technology, iCET) will cruise through China’s NEV roadmap, as well as the economic, environmental, and energy security implications of the initiative. Scott Kennedy (CSIS) sees systemic economic roadblocks that could lead the initiative to fall far short of its goals to phase out combustion engine vehicles by 2050. David Sandalow (Columbia University) will compare the electric vehicle (EV) charging policies, markets, and business models in the U.S. and China. Camron Gorguinpour (World Resources Institute) will highlight the global impact of China’s electric vehicle boom, and how other countries could gain insights from China’s green auto sector.

Women's Energy Network Winter Happy Hour – Forbes Tate Partners hosts the Women's Energy Network Winter Happy Hour on Thursday, February 21st at 6:00 p.m.

Forum on Storage Set for SF – The 12th annual Storage Week will be held on February 25-27 in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

NAFTA, USMCA Forum Set – The US-Mexico Chamber of Commerce hosts the 18th Congressional Border Issues and NAFTA/USMCA Conference on February 26th in DC. The conference aims to provide a venue for an open and timely discussion on current conditions at the border and how these challenges can and should be addressed. DHS head Kristjen Nielson, Reps. Mike McCaul and Henry Cuellar will all speak.

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FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 10/23/2018 5:10:53 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: ACCCE Board mtg Nov 14

Flag: Flag for follow up

Clint –

Hope all is well. We'd like to invite you participate on a panel at our Board meeting about the proposed ACE rule. I'm also reaching out to Bill Brownell and Peter Glaser. We have the panel slotted for 9:15 – 10:00 at Venable. I can follow up with more details if you're available. Thanks and we hope you can make it.

Paul

Paul Bailey

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 1/14/2019 7:54:50 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Jan 14 PRG Energy Update: Wheeler Hearing, Perry CEOs Talk Innovation, Rural Co-ops Solar Successes

Friends,

Wow... Our first snow day and school closing of 2019... and with the some of the government closed, it wasn't too difficult for OPM to close the rest of it today – which was great for traffic. The remaining partial shutdown remains unresolved over a dispute between President Trump and Congressional Democrats. Unfortunately, with the partial shutdown covering NOAA, the Press Club's first 2019 Newsmaker on 2018 Hurricane Season with **NOAA hurricane forecasting expert Dr. Gerry Bell** and **MIT disaster resilience expert Jeremy Gregory** will be postponed. That is a BUMMER, but the NPC will reschedule as soon as it is possible.

The shutdown was also mentioned with regard to **Andy Wheeler's** confirmation hearing on Wednesday at Senate Environment. Last Friday, four Committee Democrats (**Carper, Whitehouse, Van Hollen, Cardin**) worried that EPA employees who should not be working have been tasked with helping Wheeler prep for the hearing. **EPA general counsel Matt Leopold** said "participation in and preparation for a confirmation hearing that has been scheduled by Congress is clearly excepted under Department of Justice, Office of Legal Counsel, opinions."

Interestingly, Wheeler is a veteran policy and political hand from his service at EPA and on Capitol Hill as the Staff Director of the committee. Plus, it is important to remember, he also testified before EPW after assuming the "Acting Administrator" role. Both give him in-depth knowledge of the issues he will need to address and he is clearly fully-prepared to discuss any of them he managed during his previous Committee appearances. While you can never take any preparation for granted, he is an "A" student who is studying for the same test he has already passed twice. Other items on the Hill include **AG pick Bill Barr** tomorrow, who may get a few energy questions and Senate Energy Approps talking advanced nuclear on Wednesday.

The other BIG EVENT this week is Thursday's BPC innovation forum with **Air Liquide CEO Mike Graff, SoCo CEO Tom Fanning** and **ClearPath's Jay Faison**. The event at the Capitol Visitors Center also just added **DOE Secretary Rick Perry** to the lineup. Other events this week include the start-up of the Detroit Auto Show, the Transportation Research Board's annual meeting (with **DOT's Elaine Chao** speaking today), while NRECA joins the Congressional Solar Caucus briefing on the solar revolution in rural America on Wednesday afternoon.

For next week, mark your calendars for Thursday January 24th when US Energy Assn holds its widely- recognized State of the Energy Industry Forum at the National Press Club. Then on Friday January 25th at 3:00 p.m., the Society of Environmental Journalists (SEJ) and the Wilson Center host the 7th annual Journalists' Guide to Energy and the Environment, where top reporters will look ahead at 2019's biggest stories.

Since I know some of you were out last week, I wanted to re-run our **Top 10 Issues for 2019** at the end of this e-mail. I hope you enjoy.

Finally, I had some fun with my friend **Julie Mason** on Sirius XM's Press Pool on Friday talking about the Green New Deal, impacts of the shutdown and non-related things like the 80s punk rock band *Black Flag* and grilled cheese. Check it out. See you on Wednesday at the Wheeler hearing (you can wish me a happy birthday) and Thursday at BPC's Innovation event. Please feel free to call with questions.

Best,

Frank Maisano
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FRANKLY SPOKEN***"Although the Democrats don't always agree with him, they like and respect him."****Bracewell partner and former EPA Air Administrator Jeff Holmstead in POLITICO's Morning Energy saying he was confident Wheeler will ultimately be confirmed.***ON THE POD**

SEIA's Hopper Joins Columbia Energy Podcast to Discuss 2019 -- Solar energy has enjoyed extraordinary growth in recent years, thanks largely to declining costs and commercial investments, but public policy has played a big role, too. So, what lies in store for solar in 2019? In this edition of the Columbia Energy Exchange, host Bill Loveless talks to Abby Hopper, the president and CEO of the Solar Energy Industries Association (SEIA), the U.S. trade group for solar energy. Abby joined SEIA in 2017 after having run the Bureau of Ocean Energy Management at U.S. Department of the Interior during the Obama administration. Before that, she served as director of the Maryland Energy Administration, energy adviser to then Maryland Governor Martin O'Malley and deputy general counsel with the Maryland Public Service Commission. As such she's learned firsthand how policy is made at the state and federal levels, and now represents the US solar industry. Bill and Abby sat down at her office in Washington to discuss the condition of solar energy in the U-S today, the prospects for federal and state policies governing this sector, and the opportunities and challenges for leaders in this field like Abby.

FUN OPINIONS

Good Media Analysis on Green New Deal, Climate Politics – Two of our media friends have excellent analysis pieces today on the Green New Deal and international climate politics. POLITICO's Zack Colman tackles the GND, the search for a "Monty Hall" to bring the plan into fruition and for some details. Zack draws interesting comparisons to the previous New Deal, but it is heavy on the progressives and lite on a space that will eventually see lots of voices changing the tone and direction. Meanwhile, Axios' Amy Harder is at it again with another good column on international climate politics and how it has often divides nations. Amy argues the most well-known division is between developed nations that have emitted the most greenhouse gases in the past and those still developing their economies like China and India, which are increasingly emitting the most today. Those fault lines are well documented, but others emerged more forcefully at a UN climate change conference last month in Poland between nations that produce fossil fuels like Saudi Arabia and Australia and those that don't. While the process tries to bridge this gap, actions, political trends and the bad taste of tough policy solutions all get in the way of success.

IN THE NEWS

USEA Rings Stock Exchange Bell – Congrats to our friends at the US Energy Association who opened the NYSE on Friday when Executive Director Barry Worthington rang the bell to start the day's trading. USEA executives and members joined Worthington on the podium to celebrate American energy prosperity and Worthington's 30th anniversary the helm of USEA. One of the most familiar images of the NYSE on the evening news is the loud ringing of a bell, signaling the opening or closing of the day's trading.

New Electric Generating Capacity In 2019 expected From Renewables, NatGas – Following last week's Rhodium report that says GHGs will increase next year after years of declines, the Energy Information Administration is highlighting its latest inventory of electric generators. The report says that 23.7 gigawatts (GW) of new capacity additions and 8.3 GW of capacity retirements are expected for the U.S. electric power sector in 2019. The utility-scale capacity additions consist primarily of wind (46%), natural gas (34%), and solar photovoltaics (18%), with the remaining 2% consisting primarily of other renewables and battery storage capacity.

DOE Pushing Advanced Nuclear Reactors – The Department of Energy is moving forward with the U.S. development of high-assay low-enriched uranium, which will be needed to fuel many advanced nuclear reactors. DOE announced its intent to launch a three-year \$115 million project in Ohio to demonstrate an American-owned HA-LEU production

technology. This type of fuel is required for a variety of promising advanced reactors - and a commercial supply is largely only produced in Russia and not in the U.S. Congress has strongly supported U.S. HA-LEU production capacity both through recent spending packages and stand-alone legislation. That includes a bipartisan plan last Congress from Reps. Bill Flores (R-Texas) and Jerry McNerney (D-Calif.) to direct DOE to establish a program supporting HA-LEU availability via public-private partnerships to address regulatory and market challenges. A bipartisan Senate advanced nuclear blueprint, the Nuclear Energy Leadership Act, also aims to bolster U.S. HA-LEU production. The FY19 spending bill included \$20 million pushed by Sens. Mike Crapo, Sheldon Whitehouse, Jim Risch and others for highly-enriched uranium recovery preparation and testing.

ClearPath Already Working on Advanced Nukes – Last year, ClearPath Action advisor and former Nuclear Regulatory Commission (NRC) Commissioner Jeffrey Merrifield published a white paper sponsored by ClearPath and the U.S. Nuclear Industry Council that urged lawmakers, policymakers and the NRC to take prompt steps to ensure adequate supply of HA-LEU or risk continued progress in deploying the next generation of U.S. nuclear power.

ON THE SCHEDULE THIS WEEK

Detroit Auto Show Ready – The 2019 North American International Auto Show will begin in Detroit today and run through January 27th at Cobo Hall in the Motor City. With the largest concentration of the world's top automotive and technology executives, designers, engineers and thought leaders, the North American International Auto Show serves as the global stage for companies to debut brand-defining vehicles and industry-shaping announcements. Events start with the 13th annual ultra-luxury automotive event, The Gallery. The event has now become the official kick-off to the North American International Auto Show at the MGM Detroit. Press days start today while the public show launches Saturday.

Chao Headlines Research Board Meeting on Infrastructure, Resilience – The National Academies of Sciences' Transportation Research Board (TRB) holds its 98th Annual Meeting next today through Thursday at the Walter E. Washington Convention Center, in Washington, D.C. The information-packed program is expected to attract more than 13,000 transportation professionals from around the world. The meeting program will cover all transportation modes, with more than 5,000 presentations in nearly 800 sessions and workshops, addressing topics of interest to policy makers, administrators, practitioners, researchers, and representatives of government, industry, and academic institutions. A number of sessions and workshops will focus on the spotlight theme for the 2019 meeting: *Transportation for a Smart, Sustainable, and Equitable Future*. DOT Secretary Elaine Chao will discuss the department's actions in support of her priorities of promoting safety and innovation while improving transportation infrastructure today at 1:30 p.m. UC Davis Policy Institute for Energy, Environment, and the Economy and the 3 Revolutions Future Mobility Program host a related program on Wednesday to discuss automated, shared, and electric vehicles, while Tuesday evening, the Sustainable Transport Award Committee awards cities that are transforming their streets, fighting climate change, and improving quality of life with innovative transport solutions.

BPC Book Event to Look at Addressing Climate – Today at 5:00 p.m., the Bipartisan Policy Center hosts a discussion of the new book, *A Bright Future: How Some Countries Have Solved Climate Change and the Rest Can Follow*, with co-author Joshua S. Goldstein. The book explores real-world examples of how countries have cut greenhouse gas emissions using a broad set of technologies, including renewable energy sources and nuclear power.

NEI to Host Supply Forum – The Nuclear Energy Institute will hold its Nuclear Fuel Supply Forum tomorrow at the Mayflower in Washington DC. The one-day forum will provide information on policy issues related to the nuclear fuel industry. Speakers from key government agencies and organizations that shape policy will present the latest insights on what lies ahead.

POSTPONED – NPC to Host NOAA, Hurricane Resilience Expert to Discuss 2018 Hurricane Season – The National Press Club's Newsmaker tomorrow at 10:00 a.m. in the Club's Zenger Room to recap the 2018 hurricane season featuring NOAA forecasting expert Dr. Gerry Bell and MIT resilience expert Jeremy Gregory **WILL BE POSTPONED** because of the government shutdown. NOAA is part of the shutdown so Bell will not be able to attend. It will be rescheduled as soon as possible... Bell will eventually focus on the 2018 season impacts, climate change and what it may mean for the 2019

season, while Gregory will focus on the 2017 rebuilding in Houston, Puerto Rico and Florida, as well as the impacts of the 2018 season on the Carolina coast and Florida Panhandle.

Panel to Look at Smart Buildings – The Federal Real Property Association hosts a panel discussion tomorrow with the GSA and the DOE on smart building technology. With more than 350,000 energy-utilizing buildings, the Federal government is the nation's largest energy consumer. Energy used in buildings and facilities represents about 38% of the total site-delivered energy use of the Federal government. The panel discussion will focus on how both GSA and the Department of Energy are working with Federal agencies to meet energy-related goals, identify and implement emerging building technologies across the Federal portfolio, facilitate public-private partnerships, and provide energy leadership to the country by identifying government best practices.

NRC to Discuss Pilgrim Nuclear Decommissioning – Nuclear Regulatory Commission holds a public meeting in Plymouth, Mass., to discuss a decommissioning road map report for the Pilgrim nuclear power plant.

Wheeler Hearing Set – The Senate Environment Committee will hold a hearing on Wednesday on the Nomination of Andrew Wheeler to be Administrator of the Environmental Protection Agency.

C2ES to Look at Paris Rule Book – A new webinar from the Center for Climate and Energy Solutions on Wednesday will look inside the Paris 'Rulebook.' Governments meeting last month in Poland, produced a comprehensive "rulebook" fleshing out the implementing details of the landmark Paris Agreement. COP 24 adopted rules and procedures on mitigation, transparency, adaptation, finance, periodic stocktakes, and other Paris provisions, but put off until COP 25 decisions on the use of market-based measures. The new rulebook will govern how countries meet, report on, and strengthen their commitments in the years ahead. Hear from leading experts on the key outcomes at COP 24 and what's ahead in the climate negotiations.

NRECA to Discuss Rural Solar – The National Rural Electric Co-operatives Assn (NRECA), in conjunction with the Congressional Solar Caucus, will hold a Congressional staff briefing on the solar progress in rural America on Wednesday at 2:30 p.m. in H-137 in the Capitol. The use of solar energy is skyrocketing in rural America. In response to evolving consumer expectations and dramatically lower costs, electric cooperatives are bringing the benefits of solar energy to communities once written off as not suitable for solar development. Speakers include Reps. Raja Krishnamoorthi (D-IL) and Ralph Norman (R-SC), as well as a panel with NRECA head former Rep. Jim Matheson, Eau Claire (WI) Electric Cooperative President/CEO Lynn Thompson, Green Power EMC (Georgia) President Jeff Pratt and DOE Solar Office staff Dr. Elaine Ulrich.

Senate Approps Energy Panel to Look at Advanced Nuclear – The Senate Appropriations Committee's Energy & Water Development Subcommittee will convene a hearing on Wednesday at 2:30 p.m. to review the future of nuclear power as it pertains to advanced reactors. Witnesses includes DOE's Principal Deputy Assistant Secretary for Nuclear Energy Edward McGinnis, Oak Ridge Lab Director Dr. Thomas Zacharia, Director and Christina Back of General Atomics.

Wilson Forum Looks at Conservation – The Wilson Center holds a conversation on Wednesday about conservation projects in a war zone. The event, which will focus on Afghanistan, will feature Alex Dehgan and Geoff Dabelko, Ohio U Professor that is Senior Advisor to Wilson's Environmental Change & Security Program. Dehgan will reflect on innovative approaches to protecting the environment and advancing security in some of the most politically and ecologically fragile places in the world, and the connections between conservation and political stability. His talk will also consider the larger changes of the political landscape and evolving US positions towards Afghanistan.

Perry Joins CEO Line Up For BPC Innovation Forum – DOE Secretary Rick Perry will now join the Bipartisan Policy Center holds a panel discussion on Thursday at the Capitol Visitors Center with its American Energy Innovation Council on the crucial role of government in energy innovation. The conversation will build on the findings in the latest AEIC report and provide a business-sector perspective on the importance of federal energy research investments for the new Congress. Speakers joining Perry will include ClearPath's Jay Faison, SoCo CEO Tom Fanning and Air Liquide USA head Mike Graff, as well as Ohio Rep. Marcy Kaptur who will make intro remarks.

FERC Meeting – Thursday, January 17.

WCEE Hold Litigation Roundtable – The Women’s Council on Energy and the Environment (WCEE) will hold its 4th Annual Litigation Roundtable with the women Administrative Law Judges of the Federal Energy Regulatory Commission (FERC) and the Environmental Protection Agency (EPA). The Judges will discuss their experience as Administrative Law Judges, interesting developments in their careers, who mentored them along the way and who they themselves mentored, and share the “Dos & Don’ts” regarding hearings and settlement conferences.

Forums to Look at Offshore Wind – The Business Network for Offshore Wind, Marine Log, and Winston & Strawn LLP will begin a special three-part series of interactive discussions with U.S. government officials and industry authorities on regulatory issues affecting the construction and financing of offshore wind projects in the U.S. Starting Thursday, January 17th, they will discuss the U.S. Coast Guard’s Oversight Roles during the Implementation Phase of Offshore Wind Projects. Speakers will include U.S. Coast Guard officials Edward LeBlanc and Carl Moberg. Future events will be Thursday, February 14 on Bureau of Safety and Environmental Enforcement (BSEE)’s Safety Oversight of Offshore Wind Projects and Thursday, March 14th on Jones Act Compliance and U.S. Offshore Wind Projects.

IN THE FUTURE**Martin Luther King Day – January 21st**

EPA to Hold Water Rule Hearing – The EPA has scheduled a public hearing for January 23 in Kansas City at 1:00 p.m. on the proposed replacement Waters of the United States definition. Of Course, this may be postponed if the shutdown continues.

Forum to Look at China Transportation – On Wednesday, January 23rd at Noon, Johns Hopkins University’s China Studies and Energy, Resources & Environment (ERE) Programs will present a forum on sustainable transport and urban prosperity in China. The event will feature Daizong Liu, China Director, World Resources Institute Ross Center for Sustainable Cities.

EIA to Release 2019 STEO at BPC – On January 24th, the U.S. Energy Information Administration (EIA) will release its 2019 Annual Energy Outlook (AEO) and discuss its January 2019 Short-Term Energy Outlook (STEO) at a public event hosted by the Bipartisan Policy Center. The event will feature a presentation by EIA Administrator Dr. Linda Capuano as well as panel discussions about the latest AEO and STEO. EIA releases its Annual Energy Outlook each year to provide updated projections of U.S. energy markets. In addition, EIA releases its Short-Term Energy Outlook each month. The January 2019 STEO release will include projections out to 2020 for the first time. Panelists will include ClearView’s Kevin Book, Enbridge’s James Edgar, former FERC Commissioner Colette D. Honorable, EPRI’s Arshad Mansoor and Rick Smead of RBN Energy.

USEA to Hold State of Energy Industry Forum – The US Energy Assn begins each calendar year with its widely-recognized State of the Energy Industry Forum on Thursday January 24th at the National Press Club. The Forum brings together distinguished leaders from the most influential energy trade associations to share their outlook and to discuss dynamic issues facing the energy industry in the new year.

SEJ 2019 Journalists Guide to Energy, Environment – The Society of Enviro Journalists (SEJ) and Wilson Center will host the annual Journalists Guide to Energy and Environment on January 25th at the Wilson Center. Panelists include SEJ board member Jeff Burnside, *WaPo*’s Juliet Eilperin, Ellen Gilmer of E&E News, POLITICO’s Pradnya “PJ” Joshi, NPR’s Chris Joyce, AP’s Christina Larson, the *NYT*’s Eric Lipton and moderator Emily Holden of *The Guardian*.

Global CCS to Launches Report – The Global CCS Institute and the Atlantic Council will hold a special US launch of the Global CCS Institute’s signature publication, The Global Status of CCS, on Monday, January 28th at 3.00 p.m. in the Atlantic Council Headquarters. The report was first presented at COP24 in Katowice, Poland. DOE’s Assistant Secretary of Fossil Energy Steven Winberg offers Keynote remarks.

WM Phoenix Open – The Greenest Show on Grass, the PGA's 2019 Waste Management Phoenix Open will be held January 28th to February 3rd at the TPC in Scottsdale, which houses the loudest and most exciting hole in golf. While I love golf and often mention PGA event, this is important because on Thursday, January 31st, WM hosts its 9th annual Sustainability Forum - 2019 at the Fairmont Scottsdale Princess. National Geographic will take center stage at the Forum, exploring solutions for "Plastic Waste in the Environment." The Forum will also examine "Cities of the Future" through panel discussions and presentations. The WM Sustainability Forum is free to attend, but pre-registration is required. Waste Management created the Sustainability Forum in 2011 as a collaborative space for corporate leaders, government leaders, experts, innovators and influencers to share insights and exchange ideas.

DOE, ClearPath to Look at MicroReactors – The Department of Energy and ClearPath sponsor the next Atomic Wings nuclear power policy lunch on Tuesday, January 29th featuring discussion on microreactors. Speakers will be announced.

State of the Union Address – January 29th

Webinar to Preview CERAWEEK – After a tumultuous year for the energy industry, CERAWEEK 2019 looks ahead with a focus on the responses to the collapse in oil prices, fractious geopolitics, evolving disruptive technologies and emerging competitors. This year's theme – New World of Rivalries: Reshaping the Energy Future will hone in on the changing forces at work impacting the energy sector. This will be highlighted in a webinar discussion on Thursday, January 31st at 9:00 am EST with Daniel Yergin and Carlos Pascual in conversation with Atul Arya. The groups will preview and share insights into some of the many topics to be discussed at CERAWEEK 2019 in Houston, Texas on March 11-15.

ACORE Webinar Looks at Offshore Wind – ACORE hosts a State of the Industry Webinar on Wednesday February 6th at Noon to offer the latest intelligence and analysis on renewable energy markets, finance and policy. The webinar is part of a quarterly series produced in partnership between ACORE and Bloomberg New Energy Finance (BNEF) and will feature a quarterly market update and a discussion of key issues in financing U.S. offshore wind development. Offshore wind projects could be a major element in the growth of U.S. renewable energy over the next decade, yet significant questions remain about the financing of these large, capital-intensive projects. The U.S. has seen a recent wave of major offshore wind project announcements, with 28 projects, totaling more than 25 GW, now in the project pipeline. Even as European banks, investors and capital markets have become increasingly comfortable with offshore wind as an asset class overseas, U.S. markets present new challenges. Speaker include ACORE's Todd Foley and Greg Wetstone; BNEF's Ethan Zindler and Tom Harris; and Stanford's Dan Reicher and Citigroup's Marshal Salant.

BCSE, Bloomberg to Release 2019 Sustainable Energy Factbook – The Business Council for Sustainable Energy (BCSE) and Bloomberg New Energy Finance (BNEF) will release the 2019 edition of the Sustainable Energy in America Factbook on Wednesday morning, February 13th at BNEF offices in DC. The Factbook provides up-to-date, accurate market information about the broad range of industries — energy efficiency, natural gas and renewable energy— that are contributing to the country's move towards cleaner energy production and more efficient energy usage.

Forum on Storage Set for SF – The 12th annual Storage Week will be held on February 25-27 in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

TOP 10 for 2019

1) House Democrats, Climate Focus – As Democrats take control of the House of Representatives, it is clear that they will make climate change a priority issue where they can place a wedge between their views and President Trump. Last week, Speaker Pelosi called climate change the "existential threat of our time" during her opening address to the House, and said Congress must "put an end to the inaction and denial of science that threaten the planet and the future." The Democrat majority also reinstated the Select Committee on the Climate Crisis, which will be led by Kathy Castor. Democrats will make climate change a front-burner issue to help shape the party's agenda. While the panel doesn't have the ability to pass legislation, it will encourage standing committees to be accountable and press them to

go further and faster. The major question will be can they sustain the momentum on this issue which tends to remain a second tier issue. Democrats hope is to lay the policy and political groundwork if the window for legislation or administrative moves opens after 2020.

2) Discussions on the Green New Deal, Carbon Taxes – With Climate in the forefront, the new hot topic is what to do and the item *du jour* is the Green New Deal. It has been a battle point not only between parties but also internally among Democrats. In 2019, watch for details of the Plan to be defined by many different folks – and not just progressives. I suspect, those focused on innovation issues will also capture it for their agenda. And with ceremonial leader Rep. Alexandria Ocasio-Cortez floating an income tax rate as high as 70% on the highest-earning Americans to combat carbon emissions, I suspect most will find more opportunity by focusing on things that can get done in any legislative effort. Regardless, this will be a major issue that will have many twists and turns in 2019. This also include the regular banter on Carbon Taxes. With former Rep. Carlos Curbelo headed to the Center on Global Energy Policy (CGEP) at Columbia University's School of International and Public Affairs, expect the issues and the burgeoning bipartisan lobby to keep promoting it aggressively despite its bipartisan political challenges.

3) 2020 Politics – With potential candidates like Elizabeth Warren, Jay Inslee and Michael Bloomberg already out there and others like O-C and 2016 challenger Bernie Sanders pumping up the issue, there is some early speculation that climate issues may rise above the usual din to make a splash in the 2020 race. While it is a hot topic to go this way, my Spidey sense of over 25 years of covering this issue suggests don't take the bait. Sen. Elizabeth Warren, the first top-tier Democrat to launch a 2020 White House bid, barely grazed the topic in her rollout. Most potential candidates have focused their careers on other topics and will likely fall away from climate when competition for political attention on the campaign trail targets things voters care more about like jobs, health care, foreign affairs and the economy. Regardless, like Saturdays in PGA golf, 2019 is moving day for the 2020 Presidential election so look for lots of action.

4) HFC Reduction Go Into Force So What Will U.S. Do – The Kigali Amendment to the Montreal Protocol will reduce the projected production and consumption of hydrofluorocarbons (HFCs) by more than 80% over the next 30 years. If fully supported, the amendment can avoid up to 0.4°C increase by the end of this century. 65 countries have already ratified the amendment putting it into force on January 1 with more expected in the weeks to come. Interestingly, with manufacturing jobs booming in Rust Belt states, there is a chance that not getting engaged on this HFC phase out will put the US at a competitive disadvantage, placing those manufacturing jobs at risk. The Senate has already engaged on this issue with 13 Republican Senators calling for the policy to be addressed in the body who ratifies Treaties. And a recent economic analysis for the White House showed significant jobs gains in key states.

5) Energy Infrastructure Hits a Key Moment – While oil prices (and gas prices) remain low, production is high and many shale companies are considering slowing production. A larger problem remains with the infrastructure question. While our emissions profile has benefited dramatically from more natural gas and renewables, the infrastructure problem threatens gains as companies struggle to build much-needed pipeline and transmission infrastructure that not only will move our energy, but create thousands of construction jobs. Recently, the US Chamber's Global Energy Institute and LIUNA rolled out a report highlighting anti-energy campaigns have prevented at least \$91.9 billion in domestic economic activity and eliminated nearly 730,000 job opportunities. In addition, federal, state, and local governments have missed out on more than \$20 billion in tax revenue. But it also has specific impacts on individual projects like the Atlantic Coast Pipeline. Court challenges vacated permits for ACP to cross two national forests and the Appalachian Trail in Virginia – despite the fact that 56 other oil and gas pipelines have operated across the trail for decades. The cost of stopping construction on the project is about \$20 million per week. It also means \$2.3 billion reduction in GDP impact; \$500 million in lost tax revenue; and over 21,000 jobs. With relation to ACP, all of the 3,000 full-time construction workers in West Virginia and North Carolina working on the project are at risk. And this is playing out at projects across the country. 2019's energy infrastructure debate will need to address this problem.

6) Ethanol, Ethanol, Ethanol – As if this fight would ever go away or into the background, 2019 promises to be an interesting year over the issue of ethanol. Fights over the volume levels and the arcane mechanics of the RFS were front and center in 2018 and will remain so. But, add the new fight over E15 policy to the debate with ethanol advocates complaining the government shutdown is harming EPA's effort to get a rule out by the summer driving

season. Opponents' push back saying that E15 changes are illegal and unnecessary. Interestingly, some of the ethanol industry strongest past economic advocates have said E15 is not a great policy and overall demand is not being harmed by program waivers for small refiners. This is a hardy perennial and don't expect that to change.

7) Nuclear Power at Vogtle, Finally – The first nuclear power plant units in the US are getting closer to completion despite all the challenges it has faced. After a recent challenge, Georgia regulators unanimously allowed construction to continue on two new nuclear reactors to move forward despite cost overruns for the multibillion-dollar project. The project will shape the future of the nation's nuclear industry, partly because the reactors at Plant Vogtle were the first new ones to be licensed and to begin construction in the U.S. since 1978. The project, co-owned by Georgia Power, Oglethorpe Power, MEAG Power and Dalton Utilities, has been plagued by delays and spiraling costs, compounded when the main contractor filed for bankruptcy. Those who are passionate about carbon emission reductions can't place all of their chips on the renewable and efficiency table. As many experts argue, the Green New Deal is no deal if it doesn't include nuclear.

8) Solar, Wind Making Significant Mark with Utilities – The solar and wind industries will continue to make a strong move in the marketplace in 2019. Expect steady growth as renewable power prices continue to decline and solar developers take advantage of investment tax credits poised to ratchet down during the next several years. Renewables will likely surpass 10% of total U.S. electricity generation, up from about 8% in 2017. A big part of the success is technological advancement and lower costs, but another major factor is utility acceptance of renewables as a viable generation option. Finally, states have and will continue to take the lead in driving the renewable growth where it makes most sense. Finally, watch out for a big year in the offshore wind space. Finally, projects are in the water and the recent Massachusetts lease sale's huge success underscores the significant interest in OSW. Of concern: trade issues could hinder our ability to maximize renewables' total impact. We are already seeing it on the solar side.

9) Electric, Autonomous Vehicle, CAFE Fight Heating Up – There is a burgeoning fight in policy world over EVs, AVs and our current oil-based transportation economy. While of interested parties on both sides are playing up the debate, it is less controversial than most will admit. EVs are clearly a modest success for certain markets, but to think they will displace combustion engines anytime as many in Europe are hoping is unlikely. Interestingly, auto companies are playing both sides so keep your eye on that internal push and pull. The debate takes on an interesting twist with the fight over EV tax extensions in 2019. As for autonomous vehicles, there is a fight brewing over how they should and will be regulated. It is played out in the *WaPo* metro outlook page over the weekend with supporters arguing the success/opportunities while advocates like former NHTSA head like Joan Claybrook raise concerns. It is going to be an important issue. Finally, don't sleep on EPA reforms over Corporate Average Fuel Economy (CAFE) standards and California's waiver due this spring. It will be very controversial and litigation-inducing.

10) Rightsizing or Rollbacks – The enviro activists call them roll backs, but right-sizing the overreach of the Obama Administration regulatory agenda hits its stride as the Administration approaches two years in office. The most recent example is the change to the economic analysis of the EPA mercury rule which was rejected by the Supreme Court. While leaving the actual rule in place, opponents wrongly still called it a rollback. The same rhetoric has impacted the debate over the Obama Clean Power Plan, stayed by the SCOTUS again. With the new EPA Affordable Clean Energy rule replacing it, it is hard to argue that replacing the illegal Obama rule is a rollback. There are a dozen examples of these issues across the regulatory spectrum and we will continue to have this debate in 2019.

BONUS ISSUE: The Wheeler/Bernhardt Show – After the first EPA Admin and Interior Secretary made big splashes (and many times not for the right reasons), both agencies are now headed by seasoned political/policy veterans who will actually probably make more significant progress than their higher profile and controversial predecessors. EPA's Andy Wheeler has been effectively running the EPA for 6 months, moving several key policy initiatives forward on power plants, methane, mercury and renewable fuels. Now, Deputy Interior Secretary David Bernhardt is the acting head of the Interior Department showing up at the first White House Cabinet meeting after former Interior Secretary Ryan Zinke resigned. Bernhardt's experience in government and qualifications to do the job make him a great choice to move policy issues forward. 2019 on energy and the environment seems to be the year of the effective manager and Wheeler and Bernhardt are already leading the way.

FRANK MAISANO

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 3/4/2019 7:16:19 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Mar 4 PRG Energy Update: Hearing Heavy Week Hit Hill

Friends,

Last week was a news heavy week for sure. It's a busy week like that – and I suppose this week as well – that makes me look forward to Saturday night's jump in daylight savings time: one less hour to have to try and fill. I don't even care that I'm losing one hour of sleep! Speaking of losing sleep, tomorrow is [Fat Tuesday and Mardi Gras](#) hits its peak. Of course, it is the last day of the Carnival season which always falls the day before Ash Wednesday, the first day of Lent. Finally, the *Iditarod* is [underway](#) from Anchorage, Alaska. You can get [Live Reports here](#) and check out the full [musher line up](#). Crews have been headed north for about 20 hours and are expected to complete the 998 mile trip to Nome sometime next week.

As mentioned, this week is another busy week on Capitol Hill. Tomorrow, the Senate Energy Committee takes up electricity issues in a changing climate with our friend Lisa Jacobson of the Business Council on Sustainable Energy and others testifying. The other big hearing is Thursday's redo of a House Energy & Commerce Committee hearing that was postponed a few weeks ago on energy efficiency that features HVACR industry head Steve Yurek.

Other hearings include tomorrow's Senate Enviro Committee hearing on states' roles in protecting air quality, House Resources on BOEM/BSEE; Senate Enviro on Infrastructure and House Oversight's Environment panel on PFAS on Wednesday; and Thursday hearings in House Science on Energy/Water Nexus, House Resource on threats to the North Atlantic Right Whale, as well as a Senate Energy [Roundtable](#) on public lands in the West.

The prime event off Capitol Hill is tomorrow's [National Press Club Newsmaker on the 2018 hurricane season](#) featuring NOAA hurricane expert Gerry Bell and MIT resilience/building expert Jeremy Gregory. They will focus on last year's storms that hit NC and panhandle Florida as well as the rebuild efforts underway from the 2017 season in Puerto Rico, FL, GA and Texas.

Others include the Wednesday morning NASEO, the Energy Futures Initiative and BW Research [release](#) the 2019 U.S. Energy and Employment Report at 8:15 a.m. at the National Press Club. ClearPath and DOE [talk Nuclear Jobs on Thursday](#) at another Atomic Wings Lunch at 11:30 in CVC and finally, Friday morning, US Energy Assn celebrates International Women's Day with a [Women In Energy Panel](#).

And mark your calendars for next week because it is [CERAWeek 2019](#), one of the biggest weeks in energy. Among the throngs of high-profile speakers descending on Houston, the daily highlights include EPA Chief Andy Wheeler at lunch and Senate Energy leaders Lisa Murkowski and Joe Manchin later Monday; John Hickenlooper and Mike Pompeo going Tuesday; Energy Secretary Rick Perry speaks Wednesday; FERC Chair Neil Chatterjee set for Thursday; and Sen. John Cornyn talking about what's ahead in Washington on Friday. See the [Full Schedule here](#).

Finally, it is March and you know what that means. It is important to start paying attention to NCAA conference tournaments for [March Madness](#) which begins with Selection Sunday on March 17th and games in just 15 days!!!

We are monitoring all the action, following the key stories and are happy to discuss. Call with questions.

Best,

Frank Maisano
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FRANKLY SPOKEN

“It’s not going to mean that his priorities suddenly go away or that he’s suddenly going to abandon the regulatory philosophy that the administration from the very top has embraced. This is an administration that would like to reduce the overall regulatory footprint of the federal government.”

Former EPA official Jonathan H. Adler, a professor at the Case Western Reserve University School of Law, characterizing Wheeler’s soft-spoken style and willingness to listen to criticism as genuine in [the New York Times](#)

ON THE POD

PCA Podcast Launches – The Portland Cement Association, representing America’s Cement Manufacturers, has launched a new podcast series. [Hard Facts](#) is a podcast examining the best way to pay for the nation’s transportation infrastructure and explores money-saving tools available to planners and builders through interviews with members of Congress, the Administration and industry. The premiere episode features PCA President & CEO Michael Ireland explaining the Life Cycle Cost Analysis (LCCA) approach to planning infrastructure projects and makes the case why this tool will stretch federal investment dollars. To listen to the full podcast, visit www.cement.org/newsroom/hard-facts-podcast and follow PCA on Twitter [@PCADaily](#), Facebook [@PCACement](#), and LinkedIn [Portland Cement Association](#) for future episode releases and updates.

Former Energy Chair Phil Sharp Weighs in on Green New Deal – Resources for the Future’s Podcast hosts Kristin Hayes and Daniel Raimi [team up to interview](#) Phil Sharp, former Indiana congressman who served as House Energy panel chair, former president of RFF, and current non-resident fellow at the Columbia Center on Global Energy Policy. Sharp shares his thoughts on the Green New Deal—the ambitious set of proposals aimed at tackling climate change, inequality, and more, while giving his take on the pros and cons of the approach from a political perspective. He also shares his broader thoughts about the ability of our political system to deal with big, complex challenges like climate change.

FUN OPINIONS

EPA Finally Initiates Air Quality Assessment of Renewable Fuel Standard – In a [new commentary](#), CEI’s Ben Lieberman, a former House Energy Committee staffer, wrote recent that EPA is taking action on the air quality impacts of the Renewable Fuel Standard (RFS) and will complete a study of such impacts by 2020. The agency action, in response to a lawsuit from the Sierra Club, may finally result in the EPA meeting statutory duties whose deadlines have long passed. Lieberman: “Perhaps more significant than what EPA’s final study says is the fact that a major environmental group is pushing the agency to conduct it. In this regard, the Sierra Club now joins the National Wildlife Federation, which believes that the RFS has led to the conversion of pristine grasslands into cropland and has advocated for changes to the program. For many years, the environmental activist community was relatively absent from the RFS reform debate—with the exception of smaller organizations like the Environmental Working Group, Friends of the Earth, and the Clean Air Task Force. But with both the Sierra Club and National Wildlife Federation now actively involved, that may be changing.”

IN THE NEWS

Wheeler Confirmed – The Senate confirmed Andrew Wheeler to be the administrator of EPA by a vote of 52-47. A seasoned Washington insider, Wheeler has held in an acting capacity since the summer when former EPA Head Scott Pruitt resigned. My colleague Scott Segal, who has known Wheeler for decades said his experience and his temperament are precisely what the EPA needs at this point in its history. Segal said Wheeler is one of the most qualified individuals to lead it. Segal: “Andy began his career at EPA, gaining vital early exposure to the complexities of environmental decision making. He took that knowledge to Capitol Hill, serving in positions of increasing responsibility in the environmental arena. Then, in the private sector, he received valuable experience in seeing first-hand how regulations impact businesses, and their employees and communities. Few have had such a 360 –degree view of how environmental policy is developed and implemented as well as how regulations impact average Americans. Even in the

acting capacity in which he has served to date, it's pretty clear that he understands the Agency, cares for its professionals, and respects the rule of law."

Warren Blasts Back – In a [letter](#) to Wheeler just after his confirmation, Sen. Elizabeth Warren demanded more information about former Lobbyists working at EPA, specifically former Koch Industries official David Dunlap, who now oversees EPA's Office of Research and Development, and air policy expert and former industry lawyer Bill Wehrum, who heads EPA's air office. Of course, this relentless line of attack will continue as environmental groups and Democrat opponents attempt to undercut the much-needed reforms underway at EPA they oppose.

Inslee In on Climate – Washington State Gov. Jay Inslee said that he will run for president, becoming the first governor (other more pro-energy Gov John Hickenlooper jumped in today) to join a crowded field vying for the Democratic nomination. Inslee said he will put climate change at the heart of his platform like no other candidate would in his [announcement video](#). It's an issue Inslee has been passionate about as the governor of the state since 2013, but historically, even primary voters have placed environmental concerns behind pocketbook issues like job creation, the economy and health care. So, he plans to run on climate and we'll see how that goes. I suspect this is a double-edged sword for my friends in the environmental community.

DC Circ. Scraps Army Corps' Approval of Dominion Power Line – The D.C. Circuit on Friday rescinded an Army Corps of Engineers' approval allowing a Dominion Energy electricity transmission project to cross the James River in Virginia, directing the Corps to perform a full environmental review of the project. This is made more important by the fact the power line is built and in service. My Colleague Ann Navaro – an expert in this area – says while this case presents some unique facts, it is another example of the challenges faced by linear project planning and construction and the importance of cultural resource impact assessment in any permit process. Perhaps most significantly, the decision potentially widens the scope of the agency's review in future permit proceedings. Ann can get into the specifics if you are interested.

ON THE SCHEDULE THIS WEEK

Forum to look at Cities, Climate Resilience – The American Society of Landscape Architects (ASLA) and the Environmental and Energy Study Institute (EESI) are [hosting a forum today](#) at 2:00 p.m. in 1539 Longworth to discuss the economic, environmental and public benefits of green infrastructure. Experts from ASLA's interdisciplinary Blue Ribbon Panel on Climate Change and Resilience will discuss their report, Smart Policies for a Changing Climate, which outlines a bold vision for 21st century infrastructure investment to create healthy and resilient communities from coast to coast.

EPA Officials to Address Pesticide Meeting – The Association of American Pesticide Control Officials meets today through Wednesday for its [72nd Spring meeting](#) in Alexandria at the Hilton Old Town. Among the EPA officials scheduled to speak today are Rick Keigwin, head of the agency's pesticide office, and Alex Dunn, the new head of EPA's chemical safety and pollution prevention office.

Forum to Discuss Power, Gas – S&P Global hosts its [32nd Annual Power and Gas M&A Symposium](#) tomorrow and Wednesday in New York at the Hilton Midtown. On day two, my Colleague Scott Segal offers a view from Capitol Hill hosting state and Federal Policy Roundtable with Senate Energy staffer David Gillers and EEL's Brian Wolff. Review the recent changes in leadership at the federal level, including FERC and EPA. How is the industry preparing for the upcoming Presidential election; are there any lessons learned from the last election? Examine initiatives of the current Administration, including Clean Power Plan, subsidies, and tariffs.

AWEA Members to Go to Capitol Hill – AWEA will hold [Wind Power on Capitol Hill](#) tomorrow and Wednesday which brings companies to Washington, D.C. to meet their representatives in the House and Senate. The event is an opportunity for AWEA members and others who want to help advance wind energy to participate in advocacy training and then put that training to work to educate legislators and their staff on the wind industry's top policy initiatives at the federal level.

Energy Board Set to Meet – The Energy Department holds the first meeting of the Secretary of Energy Advisory Board at 9:00 a.m. tomorrow. Recently, Perry announced the first members of his Secretary of Energy Advisory Board (SEAB) that included Daniel Yergin, Occidental CEO Vicki Hollub, retired Lockheed Martin CEO Norman Augustine and others. The SEAB has historically provided advice and recommendations to the Secretary of Energy on the priorities for the Department of Energy.

Senate Energy to Look at Electricity Sector, Climate – The Senate Energy Committee hearing tomorrow at 10:00 a.m. focused on examining the U.S. electricity sector in a changing climate. Witnesses will include Business Council for Sustainable Energy President Lisa Jacobson, former FERC Joe Kelliher (now with NextEra Energy), Rice University Center for Energy Studies professor Kenneth Medlock, Ethan Schutt of the Alaska Native Tribal Health Consortium and former Obama DOE official Sue Tierney.

Senate Enviro to Look at State Role in Air Quality – The Senate Environment Committee Subcommittee on Clean Air and Nuclear Safety holds a hearing tomorrow on states' role in protecting air quality.

Press Club to Discuss 2018 Hurricane Season – With another challenging Hurricane Season in the books, NOAA hurricane forecasting expert Dr. Gerry Bell and MIT disaster resilience expert Jeremy Gregory will discuss the impacts of the 2018 season and the status of the 2017 season rebuilding effort at a National Press Club Newsmaker tomorrow at 10:00 a.m. in the Club's Bloomberg Room. Bell, a hurricane climate specialist and research meteorologist at NOAA's Climate Prediction Center (CPC) in College Park, Maryland, will focus on the 2018 season impacts, climate change and what people can do to prepare for the 2019 season. Gregory, a research scientist in the Department of Civil and Environmental Engineering and the Materials Systems Laboratory at the Massachusetts Institute of Technology, is an expert on disaster resilience and rebuilding. He will focus on the 2017 rebuilding in Houston, Puerto Rico and Florida, as well as the impacts of the 2018 season on the Carolina coast and Florida Panhandle.

Mexico Energy in Wilson Forum Focus – Tomorrow, the Woodrow Wilson Center's Mexico Institute holds a conference on the outlook for Mexico's Energy Sector under the new Administration. This conference seeks to engage senior thought leaders from across the energy spectrum in a dialogue on the future of the Mexican energy model two months after the inauguration of President Andrés Manuel López Obrador. Experts will provide key perspectives on the current and future landscape of the Mexican energy sector, will help better understand the challenges and opportunities the new administration faces, and will shed light on ways to enhance public-private cooperation.

ITIF to Release Defense Energy Report – Tomorrow at 10:00 a.m., the Information Technology and Innovation Foundation will release of a comprehensive report on DOD's energy innovation effort and host an expert panel discussion on its relevance to the fight to reduce carbon emissions, including ways civilian agencies might better leverage DOD's investments. Speakers will include Richard Carlin of the Navy's Office of Naval Research, NREL's Jeffrey Marqusee, DOE's Conner Prochaska and Dorothy Robyn of the Boston University Institute for Sustainable Energy.

POLITICO to Host Ag, Enviro Forum – POLITICO host a forum tomorrow at Noon at Eastern Market in SE DC to discuss the environmental policies and practices that are gaining momentum, particularly around how to lessen the climate impact in farming and energy production while keeping these sectors economically viable. Senate Ag's top Democrat Debbie Stabenow and USDA Chief of the Natural Resources Conservation Matt Lohr will offer keynote remarks.

JHU forum to Look at Climate Action – The Johns Hopkins University Paul H. Nitze School of Advanced International Studies holds a discussion tomorrow at 12:30 p.m. on fusing national and subnational climate action to enhance global ambition. The U.S. provides a window into how the diversification of climate action across actors can drive changes in emissions. We developed a new analytical approach to integrate sub-national commitments into a modeling framework to assess impacts across three politically plausible scenarios formulated in consultation with experts and stakeholders. These coalitions of actors in the U.S. are globally significant, equivalent to the world's third largest economy and fourth largest GHG emitter.

USEA to Discuss CO2 Mineralization – The US Energy Assn holds a forum tomorrow at 1:00 p.m. with UCLA's Dr. Gaurav N. Sant, Associate Professor and Director of the Institute for Carbon Management. Sant will present an approach for large scale utilization of carbon dioxide by the construction sector through carbon dioxide mineralization.

Forum to Look at Electrification – EESI holds a forum tomorrow at 2:00 p.m. 1539 Longworth on increasing opportunities to electrify the economy. Beneficial electrification (or strategic electrification) is a term for replacing direct fossil fuel use (e.g., propane, heating oil, gasoline) with electricity in a way that reduces overall emissions and energy costs. This can include switching to an electric vehicle or to a high-efficiency electric heating system—as long as the end-user and the environment both benefit. Speakers will include NRECA's Keith Dennis, EPRI's Barbara Tyron and NRDC's Derek Murrow.

WCEE Awards Honorable, Gold-Williams at Annual Gala – The Women's Council on Energy and the Environment (WCEE) holds its annual gala tomorrow at the Capital Hilton Hotel in Washington DC. WCEE will present its 2019 Woman of the Year award to Colette Honorable. Honorable is a highly regarded leader in domestic and international energy sectors. For nearly a decade, Honorable has served with distinction as a utility regulator at the state and federal levels including as a FERC Commissioner. WCEE will also honor CPS Energy President & CEO Paula Gold-Williams as its 2019 Champion.

Report to Release Energy/Employment Report – The National Association of State Energy Officials, the Energy Futures Initiative, and BW Research release its the 2019 U.S. Energy and Employment Report Wednesday at 8:15 a.m. at the National Press Club. This is the 4th installment of the comprehensive energy jobs survey offering data and employment trends in five key energy sectors: Fuels; Electric Power Generation; Transmission, Distribution and Storage; Energy Efficiency; and Motor Vehicles.

ACC to Hold Chem Regs Conference – The American Chemistry Council's annual Global Chemical Regulations conference, which runs Wednesday through Friday at the Omni Shoreham in DC. EPA's Dunn is scheduled to be among the speakers as well as Jennifer Abril, president and CEO of the Society of Chemical Manufacturers & Affiliates.

Senate Enviro Looks at Infrastructure – The Senate Environment and Public Works Committee holds a hearing on highway infrastructure on Wednesday at 10:00 a.m. The hearing will focus on the economic benefits of highway infrastructure investment and accelerated project delivery.

House Oversight Panel to Tackle PFAS Issues – The House Oversight Subcommittee on the Environment holds a hearing Wednesday at 10:00 a.m. on PFAS chemicals and their risks.

House Ways, Means Also Looks at Infrastructure—The House Ways and Means Committee holds a hearing Wednesday at 10:30 a.m. on the nation's crumbling infrastructure and the need for immediate action. Witnesses include Transportation Committee leaders Peter DeFazio and Sam Graves, as well as AFL-CIO President Richard Trumka, Chamber CEO Tom Donohue, American Trucking CEO President Chris Spear, Gregory E. DiLoreto of the Committee for America's Infrastructure and CEI's Marc Scribner.

House Resources Hosts BOEM, BSEE – The House Natural Resources Subcommittee on Energy and Mineral Resources holds a hearing Wednesday at 2:00 p.m. on the policies and priorities of the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the U.S. Geological Survey. Witnesses include BOEM's Walter Cruickshank, BSEE Office of Offshore Regulatory Programs Chief Doug Morris and US Geological Survey Director James Reilly.

House Science Looks at Science Leadership – The House Science, Space and Technology Committee holds a hearing on Wednesday at 2:00 p.m. focused on leadership in science and technology. Witnesses include National Academy of Sciences President Dr. Marcia McNutt, University of Pittsburgh Chancellor Dr. Patrick Gallagher and PepsiCo Chief Scientific Officer Mehmood Khan.

Forum to Look at India, Energy – The Johns Hopkins SAIS Energy, Resources and Environment program's Global Leaders Forum and the South Asia Studies program present on forum on India's Energy and Climate Policy on Wednesday at 5:00 p.m.

RFF to Host Carbon Pricing Discussion – Resources for The Future (RFF) will host the Future of Carbon Pricing on Wednesday at 5:30 p.m. where Dr. Gilbert Metcalf will discuss his book *Paying for Pollution: Why a Carbon Tax is Good for America*. The event will kick off with brief remarks from Metcalf about the book, followed by a moderated conversation with economist Douglas Holtz-Eakin. The two will discuss the opportunities and challenges facing carbon pricing during the next few years, as well as lessons learned from carbon pricing around the world. Metcalf argues that there is a convergence of social, economic, environmental, and political forces that provides an opening for a new approach to climate policy, one based on market principles that can appeal to politicians across the political spectrum. After all, markets work best when the price of a good reflects all its costs.

WCEE, Energy Economists Host Discussion on China – The Women's Council on Energy and the Environment and National Capital Area Chapter of the United States Association for Energy Economics host happy hour on Wednesday at 5:30 p.m. with Jane Nakano, a senior fellow at the Center for Strategic & International studies, who will speak on China's energy strategy.

Chamber Sets Aviation Summit – The U.S. Chamber of Commerce's Aviation Summit will be held Thursday at the Ronald Reagan Building. The 18th annual Aviation Summit brings together top leaders in business, aviation, and government to publicly discuss one of the most important industries in our economy. Each year we host a lineup of well-respected leaders in aviation to discuss critical topics in the industry. This Summit will also address the many challenges and opportunities facing the aviation industry, as new technology and access to flight continues to expand across the world. Speakers include DOT Secretary Elaine Chao, FedEx CEO Fred Smith, American Airlines CEO Doug Parker, former AA CEO Bob Crandall, Airline trade group CEO Nick Calio and many more.

Wilson Brazil Forum Looks at Energy Sector – The Woodrow Wilson Center's Brazil Institute holds a discussion on Thursday at 9:00 a.m. looking at powering Brazil and the its outlook for the energy sector. Brazil's Minister of Mines and Energy, Bento Albuquerque, and the Director-General of Brazil's National Agency of Petroleum, Natural Gas and Biofuels, Decio Oddone will both speak.

HVACR Experts to Testify at House Energy on Efficiency – The House Energy and Commerce Energy Subcommittee will hold its rescheduled hearing on the Energy Department's efficiency standards and its Impact on consumers and the climate for Thursday at 10:00 a.m. AHRI President Steve Yurek will testify.

House Resources Panel to Look at Threats to Right Whale – The House Natural Resources Subcommittee on Water, Oceans and Wildlife holds an oversight hearing on Thursday looking at threats to the North Atlantic Right Whale.

House Science to Look at Energy-Water Nexus – The House Science Subcommittee on Energy holds a Thursday 10:00 a.m. hearing on the energy water nexus. Witnesses include Sandia National Laboratories Vincent Tidwell, EDF's Kate Zerrenner, Richard Bonner of Advanced Cooling Technologies, head of Oklahoma State University School of Materials Science and Engineering Raman Singh and UT-Austin professor Michael Webber.

Senate Energy Roundtable to Look at Public Lands in West – The Senate Energy Committee holds a roundtable on issues related to public lands in the Western United States on Thursday at 10:00 a.m. Speakers will include First Solar's Laura Abram, Salt River Project's Bruce Hallin, Brent Keith of the Nature Conservancy, Alaska DNR Deputy Commissioner Sara Longan, Patrick Malone of Barrick Gold North America and Western Governors' Association head Jim Ogsbury.

ClearPath, DOE to Talk Nuke Jobs – On Thursday at 11:30 a.m., ClearPath and Energy Department cosponsor another Atomic Wings Lunch & Learn on jobs in nuclear energy. Panelists include NEI's Carol Berrigan, NuScale's Chris Colbert, Argonne's Bo Feng and U of Tennessee Nuclear Engineering Head Wes Hines will all speak.

House Energy Approps to Look at Energy Workforce -- The House Appropriations Subcommittee on Energy and Water Development and Related Agencies holds a hearing on energy workforce opportunities and challenges on Thursday at 1:00 p.m.

Forum to Look at Women in Energy – The US Energy Assn hosts a [forum on Friday at 10:00 a.m.](#) on International Women's Day for a Women in Energy Panel. Moderated by Vicky Bailey, the panel will cover challenges and opportunities for women working in energy, how to ascend into leadership roles, education and career paths, overcoming obstacles, and how to increase diversity and gender balance within organizations and board rooms. Panelists will include Sheila Hollis of Duane Morris LLP, Natural Gas Supply Association CEO Dena Wiggins and Allison Archambault of EarthSpark International.

IN THE FUTURE

Pompeo Joins CERA Week Line up – Next week is [CERA Week 2019](#). And now, in addition to the list of top shelf speakers, Secretary of State Mike Pompeo will present a Special Keynote address on The Role of Energy in 21st Century Global Politics next Tuesday, March 12 at CERAWEEK 2019 in Houston, Texas. The Secretary of State joins a premier roster of [distinguished speakers](#) including fellow dignitaries, energy officials, thought leaders and innovators.

Press Club to Host Discussion of Climate Data – Next Monday at 6:00 p.m. in the Club's Murrow Room, the National Press Club Journalism Institute and Freedom of the Press Committee [have organized](#) a panel of climate science journalists and climate policy researchers to lead this lively discussion on how to obtain and improve coverage of climate data.

NAS Workshop to Look at Nuclear Disasters – The National Academy of Sciences Nuclear Radiation and Studies Board is hosting a [workshop](#) on Tuesday March 12th and Wednesday March 13th to discuss establishing a registry for long-term health monitoring following radiological emergencies in the U.S. Agenda topics for the workshop, "Challenges in Initiating and Conducting Long-Term Health Monitoring of Populations following Nuclear and Radiological Emergencies in the United States," include biodosimetry (examining damage to biological markers in the human body to assess how much radiation a person was exposed to), population monitoring and health screening, environmental impacts, and examination of existing health registries following the Chernobyl and Fukushima nuclear power meltdowns and explosions.

JHU to Look at Oil Policy In Saudi Arabia – Next Tuesday, March 12th at 5:00 p.m., Johns Hopkins University's Energy, Resources, and Environment's Global Leaders Forum and the Middle East Studies program [present a forum](#) on oil policy in Saudi Arabia and status of domestic reforms. OPEC led by Saudi Arabia, and its allies including Russia, agreed in December to reduce oil production by 1.2 mbd in an effort to stabilize oil prices. But surging US shale oil output could effectively eat up OPEC's cuts by later this year as the US has become the world's largest crude oil producer. These developments will be discussed by our speakers along with the status of domestic reforms in Saudi Arabia in the wake of the assassination of journalist Jamal Khashoggi.

USEA Hosts CCS Film Screening – As the annual motion picture awards season comes to a close, USEA [hosts a screening](#) on Wednesday March 13th of the documentary "CCS: Bridge to a Cleaner Energy Future" which was underwritten by the International Brotherhood of Boilermakers (IBB) and produced to engage the global community in a conversation about the vital role carbon capture and storage (CCS) must play in mitigating climate change. Following the screening, IBB's Cecile Conroy, Director of Government Affairs and Cory Channon, Assistant to the International President and Assistant Director of Construction Sector Operations (Canada) to discuss IBB's role in the documentary and why they support Carbon Capture, Utilization, and Storage.

Environmental Film Festival – Speaking of films, the [Environmental Film Festival](#) in the Nation's Capital is the world's premier showcase of environmentally themed films. It starts next Thursday March 14th and runs to the 24th. Since 1993, our mission has been to celebrate Earth and inspire understanding and stewardship of the environment through the power of film. Each March in Washington, D.C., we host the largest environmental film festival in the world, presenting 100+ films to audiences of more than 20,000. Collaborating with over 110 partners, including museums, embassies,

universities, and theaters, the Festival is one of the leading annual cultural events in Washington, D.C., winning the 2017 DC Mayor's Award for Excellence in Creative Industries.

Argentinian Energy Minister to Speak – On Thursday, March 14th at 12:30 p.m., the Inter-American Dialogue hosts a conversation about energy policy in Argentina with Energy Secretary Gustavo Lopetegui. Since the election in 2015, Argentina's President Mauricio Macri's has followed market-oriented energy policy, including long-needed price adjustments and gradual subsidy reductions. This policy has attracted significant investments in power generation, including renewable energy and upstream oil and gas - notably in the Vaca Muerta unconventional play. Over the past year, Argentina has faced macroeconomic challenges that led to an agreement with the International Monetary Fund targeting a sharp fiscal deficit reduction, which requires limits on public spending across the economy. Yet the government is forging ahead in its efforts to attract energy investment, holding its third renewable energy tender since 2016 and accepting the first bids to develop offshore oil and gas in decades, both in March. With legislative and presidential elections slated for October, energy will continue to figure prominently in the Argentine political discussion.

Energy Economists Host Smart Meter Expert – The US Energy Economists host their March Monthly Luncheon on Friday March 15th at Chinatown Gardens featuring a presentation by Pasi Miettinen, CEO of Sagewell, Inc. Sagewell provides utility smart meter data analytics software, strategic electrification programs and consulting services to utilities.

Refinery Annual Meeting Set – The American Fuel & Petrochemical Manufacturers (AFPM) will hold its annual meeting on March 17th to 19th at the Marriott Riverside in San Antonio. The meeting is the world's premier refining meeting, assembling key executives and technical experts from refining and marketing organizations worldwide, as well as representatives from associated industries. The general session features high profile speakers who will address current issues of widespread importance to the refining industry. During management and technical sessions, leading industry experts share valuable insights with attendees on major issues, including energy and environmental initiatives, and the latest technological developments impacting refining and petrochemical industry management and performance.

CCS Forum Set – The Global CCS Institute hosts the 8th Annual DC Forum on CCS on Tuesday, March 19th at the Ronald Reagan Building and International Trade Center looking at new perspectives for a decarbonized economy. The event brings together a diverse set of speakers from the private sector, government, and NGOs to discuss the realities of decarbonizing the American economy in an effort to fight climate change. Topics will include the business of decarbonizing, the role of government - the California strategy, hydrogen economy issues and much more.

Forum to Look at Mexican Energy Sector in First 100 Days of New President – Talanza Energy will host a forum in Houston, TX on March 20th to discuss the first 100 days of the new Mexican President and its impacts on energy. The event will look at the challenges and opportunities for the Mexican Energy sector from a risk management perspective. Speakers will include MIT's Lourdes Melgar (a former Mexican Undersecretary of Hydrocarbons), UHouston Law Professor Sashe Dimitroff and Talanza CEO and former Director General of E&P in the Mexican Ministry of Energy Marco Cota.

Wilson To Screen Film for Enviro Film Festival – The Wilson Center is hosting a film screening for the Environmental Film Festival in the Nation's Capital (March 14-24). This year, Wilson is screening a new documentary Thirst for Power on Thursday March 21st at 12:00 noon that takes a deep dive into water-energy confrontations facing our planet. *Thirst for Power* explores the ruins of Roman aqueducts in France, the mountains and deserts of California, and the vast landscapes of Texas, tracing the mysterious connections and growing confrontations between water and energy use. Combining personal stories with insights into the latest science of energy and water, the film identifies a hopeful path toward wise water-energy decisions and a more reliable and abundant future for humanity. Following the screening, the filmmaker Mat Hames will join Jennifer Turner, who has managed the Wilson Center's water-energy initiative Global Chokepoint for 8 years, for a discussion of the film.

Petraeus to Address Energy Economists Annual Meeting – The National Capitol Area Chapter of the US Association for Energy Economics is holding its 23rd annual conference on Wednesday April 24th at the Marvin Center Continental Ballroom at George Washington University. The theme of this year's one-day event is Energy Security. The confirmed keynote speaker at lunch is David Petraeus, Chairman of the KKR Global Institute. General Petraeus is former director of

the Central Intelligence Agency and was commanding general of the International Security Assistance Force in Afghanistan, and Commander of United States Central Command. Morning panels will focus on the international role of the United States, the perspective of the U.S. military, and the response of the refining and shipping industries to changes in emissions limits for bunker fuel. Afternoon panels will cover the security of the electric power grid and fossil fuel delivery systems. There are many leaders from think tanks, government, the private sector and consultancies to explain how energy security concerns are driving the energy markets.

FRANK MAISANO

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Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 9/10/2018 4:58:05 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Sep 10 PRG Energy Update: CA Climate Party

Friends,

L'Shana Tovah to all... Last night at Sundown began the Jewish New Year – *Rosh Hashanah*, literally meaning the "beginning the year." It is the first of the Jewish High Holy Days which culminates next Wednesday with *Yom Kippur*. I'm thinking about tomorrow too as it has been 17 years since the terror attacks on 9/11 in NYC and DC.

Maybe a New Year or Day of Atonement is an appropriate transition to the Saturday Women's US Open final. I am a big fan of Serena and think she and Venus have done fabulous things for tennis. While I agree with her that the umpire was wrong and will likely never get another important match (I have some experience in officiating as you all know), I still have problems with her meltdown which has completely overshadowed the first ever grand slam win by Japan's Naomi Osaka, who by the way has a great story. My take: She is definitely a role model and should have swallowed the umpire's terrible call on the coaching warning and tried to overcome it. After Serena let down her mental game – impacted by a bad umpiring decision – Osaka, who had the upper hand in the match, taking the first set 6-2, finished her off. Lots of columns and opinions on this in the media from great sports reporters like Christine Brennan and Sally Jenkins, but bottom line for me is, the umpire was terrible, you have to deal with it. BTW, Novak Djokovic blasted past Juan Martin del Potro for a straight set win 6-3, 7-6, 6-3 on Sunday for the Men's title that was much less controversial.

Before we look at this week, just a word about Sunday's *Washington Post* article about EPA staff leaving in droves. First, my friends Brady Dennis and Juliet Eilperin wrote a very good story, but I am shocked it made it to the front page/above-the-fold Sunday. As one who has watched EPA for many years, it seems likely that this EPA staff would be expected to leave as they are. In other words, it should not surprise anyone. The staff at EPA has been experienced and aging for some time and we expected this type of exodus. Many thought it would happen sooner, but perhaps the Obama EPA's second-term aggressiveness on environmental policy may have kept some there a little longer. I'm sure it is also partly ideological: certainly is not surprising to think that some of the EPA retirements are driven by the Trump approach. Finally, the Trump team all along has said they were going to reduce staff at EPA. In fact some have wanted to reduce it much more than 8%. The fact that it is only down by about 1,000 employees is not really that much given the on-going planning/reorganizing. We have great experts on this, so happy to discuss.

Light schedule this week as Congress looks for the exits for the Midterm elections on tap and the Jewish holidays. On Wednesday, the votes begin on the budget. Majority Leader McCarthy told the media the House will vote on the final first minibus which contains Energy and Water budgets. Both chambers will only be in town for a few days, with the House and Senate out until Wednesday for Rosh Hashanah. POLITICO adds the schedule leaves just seven working days when both chambers are in session before the Sept. 30 funding deadline. More budget mini-buses in the coming days...

Also today, in a special edition episode of our great Bracewell Podcast, *The Lobby Shop*, Scott Segal tackles the EPA's proposed Affordable Clean Energy (ACE) Rule with Chamber Global Energy Institute head Karen Harbert and former EPA Air office head Jeff Holmstead. Check out the details here.

The biggest story this week is out in the Golden State where Gov. Jerry Brown is hosting big climate summit. Beyond the summit, there are a ton of political and policy events running sidebar including one from our friends at C2ES and many more. Speakers include Al Gore, Michael Bloomberg and many more. I have discussed this with some of you already and I am happy to do more should you need comment, historical perspective and climate policy background.

Finally, sad news to lose our friend Sam Bodman who served as Energy Secretary during the Bush Administration, who passed away over the weekend at 79. *Hurricane Florence* is growing and is expected to potentially hit the North/South Carolina coast on Thursday or Friday. We'll keep an eye on it and stay safe. Call with questions. Best,

Frank Maisano
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FRANKLY SPOKEN

“Sam had a brilliant mind, and we are fortunate that he put his intellect to work for our country as Secretary of Energy. I am proud that he was a member of my Cabinet, and I am proud that he was my friend.”

Former President George Bush and former first lady Laura Bush mourned the loss of former Energy Secretary Sam Bodman in a statement marking his passing on Saturday.

ON THE POD

Bracewell, Chamber Energy Experts Discuss ACE Rule – In a special edition episode of *The Lobby Shop*, Bracewell PRG Co-Head Scott Segal takes the reigns with an interview of President and CEO of the U.S. Chamber of Commerce’s Global Energy Institute, Karen Harbert, and former Assistant Administrator of the EPA for Air and Radiation, Jeff Holmstead. Karen, Scott, and Jeff discuss the EPA’s proposed Affordable Clean Energy (ACE) Rule, how it compares to the Clean Power Plan, and more.

FUN OPINIONS

Wash Times Has Special Section on RFS Reform – *The Washington Times* had a special section last week which detail need for renewable fuel standard (RFS) reform. Among the writing on the issue were key comments from Senators who raised concerns about the current RFS and why it needs to be fixed. Sen. Dianne Feinstein (D-CA) said the federal mandate for corn ethanol is “both unwise and unworkable” adding roughly 40% of corn in the United States is currently used for fuel, which increases the price of food and animal feed while also damaging the environment. Additionally, oil companies are unable to blend more corn ethanol into gasoline without causing problems for some gas stations and older automobiles. Feinstein: “Once we remove the corn ethanol mandate, the RFS program can finally serve its intended purpose: to support the development of advanced, environmentally friendly biofuels like biodiesel, cellulosic ethanol and other revolutionary fuels.” Sen. Bill Cassidy (R-LA) added that the RFS is outdated, created when energy consumption relied heavily on foreign imports. Cassidy: “It was thought that the Renewable Fuel Standard would be good for our environment by decreasing the carbon footprint. But in the last 10 years, our energy landscape has changed dramatically. We now have more domestic oil than almost ever before, and the drawbacks of the RFS greatly outweigh its benefits.” Finally, Sen. Tom Udall (D-NM) said while a well-intentioned idea, the “promised environmental benefits of the RFS have yet to be realized” and in fact, “may well be hurting” the environment. Udall says we need a forward-looking plan that offers “visionary reforms to put us on a cleaner and more sustainable path. The changes represent a giant step forward to combat the urgent threat of climate change, cut pollution, and protect our planet for future generations.” There is much more from Congress on the need for reform HERE.

IN THE NEWS

MIT Tool Helps Building Planning Reduce Climate Emissions – A new software tool from researchers at MIT was rolled out last week to help architects or engineers design a new building to better reduce climate emissions. Often, it’s done only at the end of the process — if ever — that a lifecycle analysis of the building’s environmental impact is carried out. And by then, it may be too late to make significant changes. Now, a faster and easier system for doing such analyses could change all that, making the analysis an integral part of the design process from the beginning. The new process, described in the journal *Building and Environment* in a paper by MIT researchers Jeremy Gregory, Franz-Josef Ulm and Randolph Kirchain, and recent graduate Joshua Hester PhD ’18, is simple enough that it could be integrated into the software already used by building designers so that it becomes a seamless addition to their design process. Lifecycle analysis, known as LCA, is a process of examining all the materials; design elements; location and orientation; heating, cooling, and other energy systems; and expected ultimate disposal of a building, in terms of costs, environmental

impacts, or both. Ulm, a professor of civil and environmental engineering and director of MIT's Concrete Sustainability Hub (CSH), says that typically LCA is applied "only when a building is fully designed, so it is rather a post-mortem tool but not an actual design tool." That's what the team set out to correct with this new tool. To the researchers' surprise, they found use of their LCA system had very little impact on reducing the range of design choices. "That's the most remarkable result," Ulm says. When introducing the LCA into the early stages of the design process, "you barely touch the design flexibility," he says.

Senator Unveil Advance Nuke Blueprint – A bipartisan group of senators led by Energy and Natural Resources Chairman Lisa Murkowski (R-Alaska) and Sen. Cory Booker (D-N.J.) have introduced the [Nuclear Energy Leadership Act \(NELA\)](#), a comprehensive blueprint for the U.S. to once again lead the world in next-generation nuclear power. The bill (S. 3422) would direct the Department of Energy to establish specific goals to align the federal government, national labs and private sector in efforts to accelerate advanced nuclear technologies. The language echoes the [Advanced Nuclear Energy Technologies Act \(S. 1457\)](#) from Sen. Jeff Flake (R-Ariz.) and Booker, which the Senate energy panel approved in March. It would also require DOE's Office of Nuclear Energy to develop a 10-year strategic plan that supports advanced nuclear R&D goals. NELA addresses the lack of domestic supply of high-assay low-enriched uranium (HA-LEU), which will be needed to fuel most advanced reactors being designed. NELA establishes a program to provide a minimum amount of HA-LEU to U.S. advanced reactor developers from DOE stockpiles until a new long-term supply is developed. NELA also initiates a long-term power purchase agreement pilot between the DOE and utilities to procure nuclear power and reauthorizes nuclear engineering scholarships to maintain a robust pipeline of nuclear engineering talent.

EIA Report Says CO2 Emissions Continue to Drop – Newly released Energy Information Administration [data shows](#) that U.S. CO2 emissions from energy dropped by roughly 1% last year. U.S. energy-related CO2 emissions have declined in 7 of the past 10 years, and they are now 14% lower than in 2005. Last year, emissions from electricity production fell by 4.6%. The shift toward natural gas from coal lowers CO2 emissions because natural gas produces fewer emissions per unit of energy consumed than coal and because natural gas generators typically use less energy than coal plants to generate each kilowatthour of electricity. Electricity generation from renewable energy technologies has increased; these technologies do not directly emit CO2 as part of their electricity generation. In EIA's [emissions data series](#), emissions from biomass combustion are excluded from reported energy-related emissions according to international convention.

DOE Announces Advanced Vehicle Research – The Department of Energy said the selection of 42 projects totaling \$80 million to support advanced vehicle technologies that can enable more affordable mobility, strengthen domestic energy security, reduce our dependence on foreign sources of critical materials, and enhance U.S. economic growth. This work supports DOE's goal to invest in early-stage research of transportation technologies that can give families and businesses greater choice in how they meet their mobility needs.

ON THE SCHEDULE THIS WEEK

WAPA, DTF Forum to Highlight Diesel Issues – Today at 11:30 a.m. at Engine Co 12 in NW DC, the Washington Automotive Press Association and the Diesel Technology Forum [held a lunch](#) to look at the true 'state of diesel' in the U.S. automotive market. Speakers include GM's Global Diesel Executive Director, Pierpaolo Antonioli and GM's Regional Chief, Engineer, Mike Siegrist. You will also hear the very latest IHS Markit diesel vehicles-in-use data for the United States; and get details about new research on the benefits of new-technology diesel pickup trucks.

Interior Official Addresses ESA at Heritage Forum – Deputy Interior Secretary David Bernhardt [will address](#) a forum at The Heritage Foundation today at Noon to discuss the department's proposed changes to the Endangered Species Act

JHU to Feature Rockefeller Foundation President – The Johns Hopkins University SAIS and the Initiative for Sustainable Energy Policy (ISEP) host a [forum](#) next Monday at 12:30 pm in its Kenney Herter Auditorium featuring Dean Vali Nasr and a conversation on affordable and clean energy with the President of the Rockefeller Foundation, Rajiv Shah.

Field Hearing to Look at Salmon Runs, River Policy – The House Natural Resources Oversight Subcommittee holds a field hearing today at 1:00 p.m. in Pasco, Wash focused on the federal Columbia River power system. The hearing will review

a dispute that played out in Congress in the minibus that impacts salmon runs in the Columbia and Snake Rivers in Washington State. Officials from the Bonneville Power Administration, Washington Association of Wheat Growers and Nez Perce Tribe will testify.

SF CLIMATE EVENTS Tomorrow:

- PRI: <https://www.unpri.org/events/pri-academic-network-conference-2018/2835.article>
- C2ES: <https://www.eventbrite.com/e/mayors-and-business-advancing-climate-action-tickets-48701062188>
- Land-Energy Nexus: <https://globalclimateactions summit.org/events/the-land-energy-nexus-in-climate-change-mitigation/>
- Defenders of Wildlife: <https://www.eventbrite.com/e/panel-event-developing-large-scale-renewable-energy-responsibly-tickets-48487265717>
- The Diesel Technology Forum webinar: <https://www.dieselforum.org/webinar/carbon-cutting-industrial-size>
- Wilson Center w/Gina McCarthy: <https://www.wilsoncenter.org/event/global-climate-action-summit-women-policy-leaders-driving-change-global-climate-policy>
- NPR/Climate One w Gina McCarthy: <https://climateone.org/events/lets-talk-solutions-global-climate-action-summit>

Forum to Look at Southern Gas Corridor – The Atlantic Council’s Global Energy Center hosts a conversation about the Southern Gas Corridor and European energy security tomorrow at 11:00 a.m. In the wake of new developments in constructing and completing the Southern Gas Corridor, a key priority project for European energy security, our expert panel will discuss the progress already made, challenges still ahead, and opportunities for the future.

Forum to Look at Smart Cities in Latin America – The Inter-American Dialogue holds a discussion tomorrow on smart cities in Latin America.

Methanol Forum Set – Argus hosts its [Methanol Forum](#) Wednesday and Thursday in Houston at the Westin, Memorial City. Issues include trends in the methanol industry, the potential impact from crude and natural gas markets, regional perspectives, including in-depth analysis of China and the emerging Indian market and the outlook for methanol derivatives including biodiesel and olefins. Our friend Greg Dolan, CEO of the Methanol Institute is among the speakers.

BioEnergy Conference Set – The [Mid-Atlantic Bioenergy Council](#) (MABEC) holds a conference and expo at CityView in Philadelphia Wednesday through Friday.

Coal Council Meets in Norfolk – On Wednesday and Thursday, the National Coal Council [meets](#) in Norfolk for its Fall meeting to discuss coal-related issues. Lou Hrkman of DOE will speak.

Climate Summit Set for SF – The [Global Climate Action Summit](#) will be held in San Francisco on Wednesday through Friday. The forum will bring leaders and people together from around the world to support action on climate change. It will also feature action by states, regions, cities, companies, investors and citizens with respect to climate action. It will also be a launchpad for deeper worldwide commitments and accelerated action from countries—supported by all sectors of society—that can put the globe on track to prevent dangerous climate change and realize the historic Paris Agreement. States and regions, cities, businesses and investors are leading the charge on pushing down global emissions by 2020, setting the stage to reach net zero emissions by midcentury. Speakers include Gov. Jerry Brown, UNFCCC head Patricia Espinosa, Michael Bloomberg, Marshall Islands President Hilda Heine, Canadian Minister of Environment Catherine McKenna, musician Dave Matthews, LA Mayor Eric Garcetti, Alec Baldwin, Jane Goodall, Andrea Mitchell, Houston Mayor Sylvester Turner, former U.S. Vice President Al Gore and former U.S. Secretary of State John Kerry.

SF Wednesday/Thursday/Friday Events:

- Paris Mayor: <https://www.c40.org/events/cities4climate-the-future-is-us>
- Atlantic Council: <http://www.atlanticcouncil.org/events/upcoming-events/detail/california-stories-grounded-perspectives-on-climate-policies-and-actions>

- Harvard School of Public Health: <https://www.hsph.harvard.edu/c-change/2018/08/12/childrens-health-the-measure-of-success-when-addressing-climate-solutions-a-discussion-of-what-we-know-what-we-dont-know-what-we-need-to-know/>
- C2ES Meeting Paris: <https://www.eventbrite.com/e/meeting-the-paris-goal-strategies-for-carbon-neutrality-tickets-48699807435>
- Oil/Autos: <https://www.eventbrite.com/e/oil-autos-transition-planning-for-a-low-carbon-future-tickets-48741670649>
- Stanford Woods Institute: <https://woods.stanford.edu/news-events/event/2009-epa-endangerment-finding-even-stronger-evidence-2018>
- ELI: <https://www.eli.org/events/breaking-news-uncertain-future-californias-vehicle-emission-standards>

WCEE to Host Forum to Highlight Women in Energy Stories – Wednesday at 6:00 p.m., the Women’s Council on Energy and the Environment’s (WCEE) Career Building Section hosts a reception and discussion at USEA about challenges and opportunities for women working in energy. Our friends Vicky Bailey and Sheila Slocum Hollis will share their expertise on overcoming obstacles, discuss skills required for convening stakeholders, and bring examples of leading towards practical solutions for the real world.

Forum to Look at AVs – Axios hosts a conversation on Thursday at 8:00 a.m. at the Long View Gallery looking at how autonomous vehicles and transportation technology will impact the future. Speakers will include Ohio Rep. Bob Latta, Global Automakers CEO John Bozzella and SAE International CEO David Schutt.

Senate Enviro Looks at Advanced Nuclear – Following last week’s introduction of bipartisan energy legislation, the Senate Environment Committee holds a hearing Thursday at 10:00 a.m. on advanced nuclear technology. The hearing will look closely at safety and associated benefits of licensing accident tolerant fuels for commercial nuclear reactors.

House Science Panel Look at EPA Glider Truck Rule – The House Science Committee's Environment and Oversight Subcommittees hold a joint hearing on Thursday examining the underlying science and impacts of glider truck regulations. Witnesses include regulation, risk, economics expert Richard Belzer and Owner-Operator Independent Drivers Association President Todd Spencer.

Senate Energy to Look at European LNG – The Senate Energy Committee holds a hearing on Thursday at 10:00 a.m. to examine the role of U.S. LNG in meeting European energy demand.

House Oversight to Look at Disaster Response –The House Oversight Committee holds a hearing on Thursday at 1:00 p.m. evaluating Federal disaster response and recovery efforts. FEMA Administrator Brock Long Army Corps of Engineers Scott Spellman and Lynn Goldman of the Milken Institute will testify.

Post to Host Space Forum – On Friday at 9:00 a.m., *The Washington Post* along with American Institute of Aeronautics and Astronautics (AIAA) and the Association of Space Explorers (ASE) will bring together key government officials, renowned scientists and leaders in the field of space exploration for a program examining the many factors shaping American leadership in space, the new “space race,” the future of space tourism and exploration that could lead to a future beyond Earth. Speakers include VP Mike Pence, NASA head Jim Bridenstine, Bill Nye and many more including current and former astronauts.

ABA to Host SCOTUS Enviro Event – Friday at Noon, the ABA’s Section of Environment, Energy, and Resources, and the Section's Constitutional Law Committee will hold an in-depth review of recent U.S. Supreme Court decisions effecting environmental issues. Panelists will also review Judge Kavanaugh’s environmental jurisprudence and his potential impact on the Supreme Court.

Electric Cars on Display on National Mall – National Drive Electric Week launches in Washington on Sunday with events from 10:00 am - 3:00 pm on the National Mall near National Gallery of Art (7th Street, NW). At the event, you will learn about electric vehicles and see the latest models on the National Mall.

IN THE FUTURE

Forum to Look at Carbon Tax – Next Monday, September 17th at 1:30 p.m. in the U.S. Capitol Visitors Center, Plant Oil Powered Diesel, Inc. is hosting a panel discussion on the carbon tax, featuring industry, environmentalist and citizen views. More on the panelists as we get closer next week.

CSIS Hosts Trade Reps – On Monday September 17th, the CSIS Scholl Chair in International Business is [hosting a conversation](#) with six former United States Trade Representatives, who will share wisdom from their own experience and discuss the current global trading system, its institutions, and the prospects for trade in these challenging times. Speakers include Bill Brock, Carla Hills, Micky Kantor, Charlene Barshefsky, Susan Schwab and Ron Kirk.

Webinar to Look at Smart Grid Changes – The National Journal hosts a [webinar](#) on the changes in the U.S. energy grid on September 20th at 11:00 a.m. From changing energy sources and technological advances to government regulations, this webinar will look at what implications could smart grid technology have for government, regulation, and public policy. National Journal Presentation Center analysts Julianna Bradley, Sean Lambert, and Taryn MacKinney, as well as National Journal Energy Correspondent Brian Dabbs, will speak at this in-depth look at the issues surrounding the state of the U.S. energy grid.

Offshore Wind Forum Set for Norfolk – The [2018 Virginia Offshore Wind Executive Summit](#) will be held on Friday September 21st in Norfolk at the Hilton Main. The event brings together the supply-chain business community with federal and state government officials to accelerate Virginia's inclusion of large-scale offshore wind within the state's energy mix. VA Governor Ralph Northam and Orsted North American President Thomas Brostrom, Dominion Energy, Siemens –Gamesa, US Bureau of Ocean Energy and Management and many others will discuss port infrastructure, supply chain procurement and market opportunities.

CAFE Public Hearing Set for CA, MI, PA – NHTSA and EPA will hold three public hearings on the revisions to the fuels economy standard. The hearing will occur on Sept 25th in Fresno, Sept 26th in Dearborn MI, and Sept 27th in Pittsburgh.

Border Energy Forum Set for San Antonio – The North American Development Bank (NADB) will host the [XXIII Border Energy Forum](#) in San Antonio on September 26th and 27th at the Hilton San Antonio. This forum brings together local and state officials, private sector developers, academics, large commercial users, and energy experts from the U.S. and Mexico. NADB's unique position as the only U.S.-Mexico binational development bank, has provided the Bank the opportunity to be involved in some of the most relevant clean energy projects developed in the last five years in the region. NADB has financed close to \$1.5 billion for 35 projects with total costs of \$5.2 billion. Roughly, 2,548 MW of new generation capacity is being installed along the border. The forum will center the dialogue on energy prosperity, innovation, financing, the future of energy markets, and crossborder opportunities along the U.S.-Mexico border, and how to continue building partnerships to advance both countries energy goals that ultimately improve economic development and protect the environment.

EPA to Host ACE Hearing in Chicago – The EPA will host a single public hearing on its proposed replacement for the Clean Power Plan in Chicago on Monday October 1st at the Ralph H. Metcalfe Federal Building. The building is the home of EPA's Region 5 headquarters.

SEJ in Flint – The Society of Environmental Journalism holds its [annual conference](#) on October 3-6th in Flint. Of course, Bracewell hosts its annual event on Thursday October 4th.

Shale Insight Set For Pittsburgh – [Shale Insight 2018](#) is set for Pittsburgh on October 23-25. The Marcellus Shale Coalition (MSC) hosts the event along with the Ohio and West Virginia Oil & Natgas Assns. SHALE INSIGHT™ offers insightful pre-conference workshops, technical and public affairs sessions, national keynote addresses, and high-powered networking sessions will provide attendees, sponsors, and exhibitors unprecedented access to the industry's most influential leaders and innovators. You can see the [agenda HERE](#).

FRANK MAISANO

Senior Principal

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Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 1/7/2019 8:05:51 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Jan 7 PRG Energy Update: Top 10 Energy Issues for 2019 and more...

Friends,

Welcome Back to the 2019 Update... This is the start of the 20th year of this update so I'm glad you are along for the ride. Don't know if you caught last night's Golden Globes, but my favorite movie of 2018, the Queen bio pict *Bohemian Rhapsody* won "Best Picture" and "Best Actor" for Rami Malek.

Hope you enjoyed your holidays. It is always nice to spend time with family and friends to share special time and ring in a new year. Here's hoping 2019 is a great year. Since 2019 is new, we once again return to our **Top 10 Issues for 2019**.

While a new year rings in with a new Democrat-led House and stronger Republican Senate, we also are also in a partial government shutdown, now hitting almost its 3rd week. We also know that with the new Congress, President Trump will have to either resubmit nominees or make new selections for a bunch of positions, but a late deal confirmed 77 positions including Alexandra Dapolito Dunn to lead EPA's chemicals office, CEQ Chair Mary Neumayr, White House OSTP director Kelvin Droegemeier, DOE inspector general Teri L. Donaldson and Dan Simmons to be assistant secretary for energy efficiency and renewable energy at DOE.

This week, API's Mike Sommers delivers his first "State of American Energy 2019" report tomorrow, focusing on America's energy leadership as both the top producer of natural gas and oil in the world. Then on Thursday morning, Chamber of Commerce head Tom Donohue delivers his annual State of American Business address to outline the top challenges facing our nation's business community. Also, the Chesapeake Bay Foundation issues its biennial "State of the Bay" report today. Finally, both the American Meteorological Society (Phoenix) and the National Council for Science and the Environment (Wash DC focused on Infrastructure, Resilience) hold conferences today through Thursday.

And mark your calendars for next week Tuesday, January 15th when the National Press Club hosts a Newsmaker on 2018 Hurricane Season. With another challenging season in the books, NOAA hurricane forecasting expert Dr. Gerry Bell and MIT disaster resilience expert Jeremy Gregory will discuss the impacts of the 2018 season and the status of the 2017 season rebuilding in the Club's Zenger Room effort at 10 a.m. Also next week, BPC hosts an innovation forum with Air Liquide CEO Mike Graff, SoCo CEO Tom Fanning and ClearPath's Jay Faison on Thursday January 17th.

We close today with the sad news of the passing of FERC Commissioner Kevin McIntyre last Thursday. FERC Chairman Neil Chatterjee said McIntyre exhibited strong leadership and an unmatched knowledge of energy policy and the rule of law, exemplifying "what it means to be a true public servant each and every day, no matter the challenges that lie ahead of him." Well said Mr. Chairman.

Please feel free to call with questions.

Best,

Frank Maisano
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TOP 10 for 2019

1) House Democrats, Climate Focus – As Democrats take control of the House of Representatives, it is clear that they will make climate change a priority issue where they can place a wedge between their views and President Trump. Last week, Speaker Pelosi called climate change the "existential threat of our time" during her opening address to the House, and said Congress must "put an end to the inaction and denial of science that threaten the planet and the future." The Democrat majority also reinstated the Select Committee on the Climate Crisis, which will be led by Kathy Castor. Democrats will make climate change a front-burner issue to help shape the party's agenda. While the panel doesn't have the ability to pass legislation, it will encourage standing committees to be accountable and press them to go further and faster. The major question will be can they sustain the momentum on this issue which tends to remain a second tier issue. Democrats hope is to lay the policy and political groundwork if the window for legislation or administrative moves opens after 2020.

2) Discussions on the Green New Deal, Carbon Taxes – With Climate in the forefront, the new hot topic is what to do and the item *du jour* is the Green New Deal. It has been a battle point not only between parties but also internally among Democrats. In 2019, watch for details of the Plan to be defined by many different folks – and not just progressives. I suspect, those focused on innovation issues will also capture it for their agenda. And with ceremonial leader Rep. Alexandria Ocasio-Cortez floating an income tax rate as high as 70% on the highest-earning Americans to combat carbon emissions, I suspect most will find more opportunity by focusing on things that can get done in any legislative effort. Regardless, this will be a major issue that will have many twists and turns in 2019. This also include the regular banter on Carbon Taxes. With former Rep. Carlos Curbelo headed to the Center on Global Energy Policy (CGEP) at Columbia University's School of International and Public Affairs, expect the issues and the burgeoning bipartisan lobby to keep promoting it aggressively despite its bipartisan political challenges.

3) 2020 Politics – With potential candidates like Elizabeth Warren, Jay Inslee and Michael Bloomberg already out there and others like O-C and 2016 challenger Bernie Sanders pumping up the issue, there is some early speculation that climate issues may rise above the usual din to make a splash in the 2020 race. While it is a hot topic to go this way, my Spidey sense of over 25 years of covering this issue suggests don't take the bait. Sen. Elizabeth Warren, the first top-tier Democrat to launch a 2020 White House bid, barely grazed the topic in her rollout. Most potential candidates have focused their careers on other topics and will likely fall away from climate when competition for political attention on the campaign trail targets things voters care more about like jobs, health care, foreign affairs and the economy. Regardless, like Saturdays in PGA golf, 2019 is moving day for the 2020 Presidential election so look for lots of action.

4) HFC Reduction Go Into Force So What Will U.S. Do – The Kigali Amendment to the Montreal Protocol will reduce the projected production and consumption of hydrofluorocarbons (HFCs) by more than 80% over the next 30 years. If fully supported, the amendment can avoid up to 0.4°C increase by the end of this century. 65 countries have already ratified the amendment putting it into force on January 1 with more expected in the weeks to come. Interestingly, with manufacturing jobs booming in Rust Belt states, there is a chance that not getting engaged on this HFC phase out will put the US at a competitive disadvantage, placing those manufacturing jobs at risk. The Senate has already engaged on this issue with 13 Republican Senators calling for the policy to be addressed in the body who ratifies Treaties. And a recent economic analysis for the White House showed significant jobs gains in key states.

5) Energy Infrastructure Hits a Key Moment – While oil prices (and gas prices) remain low, production is high and many shale companies are considering slowing production. A larger problem remains with the infrastructure question. While our emissions profile has benefited dramatically from more natural gas and renewables, the infrastructure problem threatens gains as companies struggle to build much-needed pipeline and transmission infrastructure that not only will move our energy, but create thousands of construction jobs. Recently, the US Chamber's Global Energy Institute and LIUNA rolled out a report highlighting anti-energy campaigns have prevented at least \$91.9 billion in domestic economic activity and eliminated nearly 730,000 job opportunities. In addition, federal, state, and local governments have missed out on more than \$20 billion in tax revenue. But it also has specific impacts on individual projects like the Atlantic Coast Pipeline. Court challenges vacated permits for ACP to cross two national forests and the Appalachian Trail in Virginia – despite the fact that 56 other oil and gas pipelines have operated across the trail for decades. The cost of stopping construction on the project is about \$20 million per week. It also means \$2.3 billion reduction in GDP impact; \$500 million in lost tax revenue; and over 21,000 jobs. With relation to ACP, all of the 3,000 full-time construction workers in

West Virginia and North Carolina working on the project are at risk. And this is playing out at projects across the country. 2019's energy infrastructure debate will need to address this problem.

6) Ethanol, Ethanol, Ethanol – As if this fight would ever go away or into the background, 2019 promises to be an interesting year over the issue of ethanol. Fights over the volume levels and the arcane mechanics of the RFS were front and center in 2018 and will remain so. But, add the new fight over E15 policy to the debate with ethanol advocates complaining the government shutdown is harming EPA's effort to get a rule out by the summer driving season. Opponents' push back saying that E15 changes are illegal and unnecessary. Interestingly, some of the ethanol industry strongest past economic advocates have said E15 is not a great policy and overall demand is not being harmed by program waivers for small refiners. This is a hardy perennial and don't expect that to change.

7) Nuclear Power at Vogtle, Finally – The first nuclear power plant units in the US are getting closer to completion despite all the challenges it has faced. After a recent challenge, Georgia regulators unanimously allowed construction to continue on two new nuclear reactors to move forward despite cost overruns for the multibillion-dollar project. The project will shape the future of the nation's nuclear industry, partly because the reactors at Plant Vogtle were the first new ones to be licensed and to begin construction in the U.S. since 1978. The project, co-owned by Georgia Power, Oglethorpe Power, MEAG Power and Dalton Utilities, has been plagued by delays and spiraling costs, compounded when the main contractor filed for bankruptcy. Those who are passionate about carbon emission reductions can't place all of their chips on the renewable and efficiency table. As many experts argue, the Green New Deal is no deal if it doesn't include nuclear.

8) Solar, Wind Making Significant Mark with Utilities – The solar and wind industries will continue to make a strong move in the marketplace in 2019. Expect steady growth as renewable power prices continue to decline and solar developers take advantage of investment tax credits poised to ratchet down during the next several years. Renewables will likely surpass 10% of total U.S. electricity generation, up from about 8% in 2017. A big part of the success is technological advancement and lower costs, but another major factor is utility acceptance of renewables as a viable generation option. Finally, states have and will continue to take the lead in driving the renewable growth where it makes most sense. Finally, watch out for a big year in the offshore wind space. Finally, projects are in the water and the recent Massachusetts lease sale's huge success underscores the significant interest in OSW. Of concern: trade issues could hinder our ability to maximize renewables' total impact. We are already seeing it on the solar side.

9) Electric, Autonomous Vehicle, CAFE Fight Heating Up – There is a burgeoning fight in policy world over EVs, AVs and our current oil-based transportation economy. While of interested parties on both sides are playing up the debate, it is less controversial than most will admit. EVs are clearly a modest success for certain markets, but to think they will displace combustion engines anytime as many in Europe are hoping is unlikely. Interestingly, auto companies are playing both sides so keep your eye on that internal push and pull. The debate takes on an interesting twist with the fight over EV tax extensions in 2019. As for autonomous vehicles, there is a fight brewing over how they should and will be regulated. It is played out in the *WaPo* metro outlook page over the weekend with supporters arguing the success/opportunities while advocates like former NHTSA head like Joan Claybrook raise concerns. It is going to be an important issue. Finally, don't sleep on EPA reforms over Corporate Average Fuel Economy (CAFE) standards and California's waiver due this spring. It will be very controversial and litigation-inducing.

10) Rightsizing or Rollbacks – The enviro activists call them roll backs, but right-sizing the overreach of the Obama Administration regulatory agenda hits its stride as the Administration approaches two years in office. The most recent example is the change to the economic analysis of the EPA mercury rule which was rejected by the Supreme Court. While leaving the actual rule in place, opponents wrongly still called it a rollback. The same rhetoric has impacted the debate over the Obama Clean Power Plan, stayed by the SCOTUS again. With the new EPA Affordable Clean Energy rule replacing it, it is hard to argue that replacing the illegal Obama rule is a rollback. There are a dozen examples of these issues across the regulatory spectrum and we will continue to have this debate in 2019.

BONUS ISSUE: The Wheeler/Bernhardt Show – After the first EPA Admin and Interior Secretary made big splashes (and many times not for the right reasons), both agencies are now headed by seasoned political/policy veterans who will actually probably make more significant progress than their higher profile and controversial predecessors. EPA's Andy

Wheeler has been effectively running the EPA for 6 months, moving several key policy initiatives forward on power plants, methane, mercury and renewable fuels. Now, Deputy Interior Secretary David Bernhardt is the acting head of the Interior Department showing up at the first White House Cabinet meeting after former Interior Secretary Ryan Zinke resigned. Bernhardt's experience in government and qualifications to do the job make him a great choice to move policy issues forward. 2019 on energy and the environment seems to be the year of the effective manager and Wheeler and Bernhardt are already leading the way.

FRANKLY SPOKEN

"Today is a deeply sad day for the Federal Energy Regulatory Commission and for all those who had the pleasure of knowing Kevin McIntyre both personally and professionally," "During his tenure at the Commission, Kevin exhibited strong leadership and an unmatched knowledge of energy policy and the rule of law. He exemplified what it means to be a true public servant each and every day, no matter the challenges that lie ahead of him."

FERC Chairman Neil Chatterjee statement following the death of colleague and former chair Kevin McIntyre last week.

"If we're going to effect change, we must pursue economic, public health, and environmental goals simultaneously. Denying developing countries access to clean fossil fuels, such as natural gas, is untenable and morally wrong. Our abundant energy supply can be a 'solution' to global energy poverty."

David Spigelmyer, President of the Marcellus Shale Coalition

ON THE POD

SEIA's Hopper Joins Columbia Energy Podcast to Discuss 2019 -- Solar energy has enjoyed extraordinary growth in recent years, thanks largely to declining costs and commercial investments, but public policy has played a big role, too. So, what lies in store for solar in 2019? In this edition of the Columbia Energy Exchange, host Bill Loveless talks to Abby Hopper, the president and CEO of the Solar Energy Industries Association (SEIA), the U.S. trade group for solar energy. Abby joined SEIA in 2017 after having run the Bureau of Ocean Energy Management at U.S. Department of the Interior during the Obama administration. Before that, she served as director of the Maryland Energy Administration, energy adviser to then Maryland Governor Martin O'Malley and deputy general counsel with the Maryland Public Service Commission. As such she's learned firsthand how policy is made at the state and federal levels, and now represents the US solar industry. Bill and Abby sat down at her office in Washington to discuss the condition of solar energy in the U-S today, the prospects for federal and state policies governing this sector, and the opportunities and challenges for leaders in this field like Abby.

FUN OPINIONS

MIT Expert: An Easy Way to Cut Carbon Emissions on I-81 – In a new opinion piece in the *Roanoke Roanoke Times*, Massachusetts Institute of Technology concrete expert Jeremy Gregory details new MIT analysis showing real-world impact of Pavement Vehicle Interactions (PVI), or how the quality of our roads impacts the amount of fuel we use. A study of Virginia's interstate highway system also illustrates the impact of PVI, where researchers identified 1 million tons of CO2 emissions associated with excess fuel consumption over a seven-year period. The analysis also revealed that only 1.3 percent of the entire interstate network was responsible for a full 10 percent of its total greenhouse gas emissions, meaning rehabilitation of those few lane miles would bring significant environmental improvements...

IN THE NEWS

Kigali Agreement Goes Into Force – On January 1, 2019, the Kigali Amendment to the Montreal Protocol went into force with ratification still awaited from over two-thirds of the Parties to the Montreal Protocol. Only 65 countries of the 197 Parties to the Montreal Protocol that voted for the groundbreaking global phase-down of the production and consumption of HFC refrigerants in October 2016 have ratified. Although the largest producers and consumers, the USA and China, are still to ratify, the agreement received a significant boost in December with the ratification of Japan. Developed countries start the phase-down today with a reduction to 90% of the baseline, with further stepped reduction until a 15% level is reached from 2036 onwards. Most developing countries follow in 2024 with a deferred phase-down schedule. This agreement is expected to reduce global warming up to 0.4°C by 2100, which is significant to other climate reductions.

Climate Committee Reconstituted – The new House Democrat majority has reconstituted a special Committee to focus on climate change that will be headed by Florida’s Kathy Castor. Castor, who also serves on the Energy & Commerce Committee, has already promised to decline all campaign contributions from coal, oil, or gas companies, but that won’t be a criteria for members. The panel will not have the power to subpoena or depose, nor will it have the authority to vote on legislation and send it directly to the House floor for a vote but can hold hearings, write reports, and bring public attention to political issues.

EPA Rolls Out Mercury Rule – The EPA issued its proposed revised Supplemental Cost Finding for the Mercury and Air Toxics Standards (MATS), as well as the Clean Air Act-required “risk and technology review.” You will hear many things about “repeal” or “roll back” from our friends in the environmental community, but they will not be correct. Here is some info on the rule and a detailed comment from my Bracewell colleague and former EPA Air Administrator Jeff Holmstead. (He is cc’d in case you have additional questions).

New Rule – According to EPA, the proposed rule provides regulatory certainty by transparently and accurately taking account of both costs and benefits in the proposed revised Supplemental Cost Finding for MATS. After properly evaluating the cost to coal- and oil-fired power plants of complying with the MATS rule (costs that the Obama Administration estimated range from \$7.4 to \$9.6 billion annually) and the benefits attributable to regulating hazardous air pollutant (HAP) emissions from these power plants (benefits that range from \$4 to \$6 million annually) — as EPA was directed to do by the U.S. Supreme Court — the Agency proposes to determine that it is not “appropriate and necessary” to regulate HAP emissions from power plants under Section 112 of the Clean Air Act.

2012 Rule Remains In Place – The emission standards and other requirements of the MATS rule, first promulgated in 2012, would remain in place as EPA is not proposing to remove coal- and oil-fired power plants from the list of sources that are regulated under Section 112 of the Act. The proposal also contains the required “risk and technology review,” concluding that no changes to the MATS rule are needed, and also takes comment on establishing a separate subcategory for certain units that rely on coal refuse.

Holmstead: EPA Walked Fine Line – My colleague Jeff Holmstead, former EPA Air Administrator that first proposed a mercury plan for EPA, released the following comments on the new proposal:

EPA has managed to walk a very fine line – reversing the Obama finding that it was “appropriate and necessary” to regulate power plants under section 112 while leaving the actual MATS requirements in place.

You have to remember that the finding was very controversial and was litigated all the way to the Supreme Court. Under section 112, EPA only has authority to regulate pollutants like mercury that are listed as “hazardous air pollutants.” There are many other sections of the Clean Air Act that give EPA authority to regulate fine particles. Yet the Obama EPA justified its decision to regulate power plants under section 112 based almost entirely on reductions in fine particles. For a lot of folks, this was just another example of Obama regulatory overreach.

The Obama EPA estimated that the cost of MATS would be almost \$10 billion a year, and that the benefits from reducing emissions of hazardous air pollutants from power plants would be less than \$10 million. With this huge disparity between the costs and benefits that EPA was supposed to be looking at, it seemed pretty outrageous for EPA to claim that it was appropriate to regulate power plants under this particular section of the Clean Air Act.

Power companies have spent billions of dollars to come into compliance with MATS, and they don’t want it to go away. Many of them have actually lobbied the Administration to leave it in place, but the Trump folks couldn’t bring themselves to defend the Obama “appropriate and necessary” finding. So they’ve proposed to reverse the finding but leave the standards in place because of a 2008 D.C. Circuit decision. I think this decision was wrongly decided, but it’s the law of the Circuit, and EPA is using it to thread the needle here.

EPA is not saying that it can't consider PM2.5 co-benefits when it makes regulatory decisions. They're just saying that, in this case, where virtually all the benefits are "co-benefits" of reducing a pollutant that is supposed to be regulated under other Clean Air Act programs, we can't use these co-benefits to justify a regulation that is only supposed to be about hazardous air pollutants.

Comments and Hearing – EPA will take comment on the proposal for 60 days after publication in the Federal Register and will hold a public hearing. Information regarding the time, date, and location of the public hearing will be published in a separate Federal Register notice. Additional information, including a pre-publication version of the Federal Register notice and a fact sheet, are available at www.epa.gov/mats [usepa.pr-optout.com].

New UDel Report Shows Support for Offshore Wind – University of Delaware faculty members George Parsons and Jeremy Firestone surveyed beachgoers and found the distance wind turbines are from the beach has a significant impact on how tourists feel about them. Using a survey that covered 1,725 beachgoers to be representative of a beachgoing population on the East Coast, the researchers showed participants panning, online visual simulations of a wind power project with 100 six-megawatt wind turbines, 150 meters tall to the tip of the blade at its apex, at different distances from shore and in different conditions — clear, hazy and nighttime. Survey respondents were shown turbines ranging from 2.5 to 20 miles offshore. Most BOEM leases and planning areas for wind power projects are projected to be installed at 13 or more miles offshore. For example, the wind project proposed off of Bethany Beach, Delaware would be located about 17 miles offshore. At the 12.5-mile mark, 20% of respondents reported their experience would be worsened by turbines, 13% reported it would be improved and 67% reported no effect. In contrast, at 20 miles offshore, only 10% of respondents reported their experience would be worsened, 17% said that it would be improved and 73% said it would have no effect. See report HERE.

Dominion Finalizes Merger with SCANA – Dominion Energy said it finalized its purchase of electric power company SCANA Corp. and subsequently announced the departure of SCANA Chief Executive Jimmy Addison, who will be replaced by a Dominion senior vice president, Rodney Blevins. With the acquisition, Dominion, already the fourth-largest U.S. electric and gas utility, will now serve 7.5 million customers in 18 states.

ON THE SCHEDULE THIS WEEK

Forum to Focus on Infrastructure, Resilience – The National Council for Science and the Environment will convene their 19th Annual Conference today through Thursday in Washington, D.C. The NCSE Annual Conference brings together a diverse community of experts for an enriching opportunity to collaborate on exciting projects, share research and best practices, and build professional relationships. Attendees include national and international leaders in education, government, civil society, and business. The conference is recognized for its notable presenters and innovative programming. NCSE 2019 will focus on Sustainable Infrastructure & Resilience.

NASA Bridenstine to Address AMS Meeting – The American Meteorological Society holds its 99th annual meeting in Phoenix at the Convention Center today through Thursday. Speakers will Include NASA Administrator Jim Bridenstine.

EPA GHG Hearing Set – EPA has announced it will be delaying its lone public hearing on its proposed rule on greenhouse gas emissions from new and modified power plants tomorrow to January 30th at the agency's headquarters in Washington, D.C.

Forum to Look at Train Safety, De-Reg Issues – The Institute for Policy Studies holds a discussion today at 6:00 p.m. on train policy deregulation in the U.S. and Canada focusing on the safety of trains carrying crude oil.

Forum to Look at NatGas Vehicles – NGVAmerica holds webinar on issues identified as technology barriers for natural gas vehicles. During this webinar, they will discuss issues currently identified by DOE as the technology barriers for NGVs while soliciting participant feedback on these and other barriers to further deployment. DOE presented information on these identified barriers at the NGVAmerica Annual Meeting & Industry Summit in Palm Springs, California in November of 2018.

State of the Energy Industry Event Set – Tomorrow at 10:30 a.m., API will holds its annual State of the Energy Industry event at the Reagan International Trade Center. It will be Mike Sommers first one.

NRC to Discuss Pilgrim Decom – The Nuclear Regulatory Commission holds webinar tomorrow at 2:00 p.m. for public on decommissioning the Pilgrim nuclear power plant in Plymouth, Mass. The event will provide key facts about the decommissioning process and how the NRC regulates such activities through on-site inspections and other reviews. NRC will also hold a public meeting in Plymouth on January 15th to discuss and accept public comments on Entergy's Post-Shutdown Decommissioning Activities Report for Pilgrim, which calls for placing the plant into long-term storage before dismantlement and decontamination work begins. A copy of the report is available on the NRC website.

USAID Forum to Look at Smart Grid for Emerging Markets – The U.S. Agency for International Development is hosting a forum Wednesday morning that will focus on market opportunities in developing countries in Africa, Asia, and Latin America for U.S. companies that provide smart grid and mini-grid products and services.

CSIS to Roll Out New Ocean Project – The Center for Strategic and International Studies (CSIS) will roll out the Stephenson Ocean Security Project (SOS) on Wednesday at 8:30 a.m. where Senator Sheldon Whitehouse (D-RI) will provide keynote remarks. The event will also feature expert panels will explore the intersection of fisheries and security risk in the South China Sea and the challenge and opportunity presented by marine resources in the new Arctic Ocean. The Project will highlight how marine resource disputes drive instability in key regions of the globe and the ways that climate change is exacerbating this challenge through degraded ecosystems and the opening of new areas to potential exploitation.

WRI Previews 2019 – Now in its 16th year, WRI hosts "Stories to Watch" on Wednesday at 9:00 a.m. for policymakers, business leaders, and media in Washington, DC and around the world. Dr. Andrew Steer, WRI's President & CEO, will share insights on stories related to the environment, economy, and international dynamics in the coming year. As the world grapples with shifting political landscapes and mounting climate impacts, Andrew will explore global trends and emerging issues around climate change, energy, forests and commodities, mobility, infrastructure, sustainable consumption, and more.

ELI Forum to Look at Appalachia – On Wednesday at 12:00 p.m., the Environmental Law Institute and their expert panelists host a forum to explore the potential of green energy innovation for fostering environmental justice and resilient economies in Appalachian communities. With uncertain paths to development and resilience, Appalachia's fate demonstrates the complexity of how to navigate the intricate nexus of economic insecurity, inequality, and resource extraction in 21st Century America.

Cal to Look at Long-Term Energy Forecast –The California Energy Commission meets on Wednesday at 1 Pacific Time to discuss an updated forecast for state energy demands for the years 2018 to 2030. The California Energy Commission business meetings can be viewed live on the Energy Commission's YouTube channel.

Webinar to Look at Forest Carbon Offsets – Michigan State University holds webinar Wednesday at 3:00 p.m. on whether forest carbon offsets are a viable opportunity for U.S. landowners. Since the start of California's Cap-and-Trade program in 2013 much has happened with respect to the development of both compliance and voluntary programs for forest offsets. The webinar will look at the current status and trends for US and foreign jurisdictions using offsets to price and curb GHG emissions and the role of US forest landowners are playing in these markets. Dylan Jenkins from Finite Carbon will speak.

Donohue to Discuss State of Biz – On Thursday at 9:30 a.m., U.S. Chamber of Commerce President and CEO Thomas J. Donohue delivers his annual "State of American Business" address at the Chamber, highlighting pro-growth policies that enable workers, families, and businesses to pursue their American dreams. Donohue will also discuss key 2019 policy initiatives to support American aspiration, achievement, and innovation. Following his remarks, Donohue and Neil Bradley, U.S. Chamber executive vice president and chief policy officer, will hold a presser.

Green Happy Hour Set – Green Drinks DC has teamed up with The Aspen Institute Energy and Environment Program and their partners on Thursday at 6:00 p.m. for the first happy hour of 2019. The Aspen Institute Energy and Environment Program addresses critical energy, environmental, and climate change issues through non-partisan, non-ideological convening, with the specific intent of bringing together diverse stakeholders to improve the process and progress of policy-level dialogue. This enables EEP to sit at a critical intersection in the conversation and bring together diverse groups of expert stakeholders.

Forum to Look at Potential EE Gains – The Environmental and Energy Study Institute (EESI) holds a facilitated discussion on Friday at 3:00 p.m. to look at how to make our economy more energy-efficient, to generate wealth and combat climate change. A variety of recent studies say the U.S. economy may only be 16% energy-efficient. In other words, an estimated 84% of the energy resources consumed within American communities are wasted.

IN THE FUTURE

Detroit Auto Show Ready – The 2019 North American International Auto Show will begin in Detroit on January 14th and runs through January 27th at Cobo Hall in the Motor City. With the largest concentration of the world's top automotive and technology executives, designers, engineers and thought leaders, the North American International Auto Show serves as the global stage for companies to debut brand-defining vehicles and industry-shaping announcements. Events start with the 13th annual ultra-luxury automotive event, The Gallery. The event has now become the official kick-off to the North American International Auto Show at the MGM Detroit. Press days start on January 14th with public show launching January 19th.

Infrastructure, Resilience Focus of Research Board Annual Meeting – The Transportation Research Board (TRB) holds its 98th Annual Meeting next Monday through Thursday January 13–17th at the Walter E. Washington Convention Center, in Washington, D.C. The information-packed program is expected to attract more than 13,000 transportation professionals from around the world. The meeting program will cover all transportation modes, with more than 5,000 presentations in nearly 800 sessions and workshops, addressing topics of interest to policy makers, administrators, practitioners, researchers, and representatives of government, industry, and academic institutions. A number of sessions and workshops will focus on the spotlight theme for the 2019 meeting: *Transportation for a Smart, Sustainable, and Equitable Future*. **The full 2019 program**, including information on nearly 800 sessions and workshops, is available now via the online Interactive Program and the mobile app. UC Davis Policy Institute for Energy, Environment, and the Economy and the 3 Revolutions Future Mobility Program host a related program on Wednesday January 16th to discuss automated, shared, and electric vehicles, while Tuesday evening, the Sustainable Transport Award Committee awards cities that are transforming their streets, fighting climate change, and improving quality of life with innovative transport solutions

BPC Book Event to Look at Addressing Climate – Next Monday at 5:00 p.m., the Bipartisan Policy Center hosts a discussion of the new book, *A Bright Future: How Some Countries Have Solved Climate Change and the Rest Can Follow*, with co-author Joshua S. Goldstein. The book explores real-world examples of how countries have cut greenhouse gas emissions using a broad set of technologies, including renewable energy sources and nuclear power.

NPC to Host NOAA, Hurricane Resilience Expert to Discuss 2018 Hurricane Season – The National Press Club will host a Newsmaker on Tuesday January 15th at 10:00 a.m. in the Club's Zenger Room to recap the 2018 hurricane season featuring NOAA forecasting expert Dr. Gerry Bell and MIT resilience expert Jeremy Gregory. Bell will focus on the 2018 season impacts, climate change and what it may mean for the 2019 season, while Gregory will focus on the 2017 rebuilding in Houston, Puerto Rico and Florida, as well as the impacts of the 2018 season on the Carolina coast and Florida Panhandle.

Panel to Look at Smart Buildings – The Federal Real Property Association hosts a panel discussion next Tuesday with the GSA and the DOE on smart building technology. With more than 350,000 energy-utilizing buildings, the Federal government is the nation's largest energy consumer. Energy used in buildings and facilities represents about 38% of the total site-delivered energy use of the Federal government. The panel discussion will focus on how both GSA and the Department of Energy are working with Federal agencies to meet energy-related goals, identify and implement

emerging building technologies across the Federal portfolio, facilitate public-private partnerships, and provide energy leadership to the country by identifying government best practices.

Wilson Forum Looks at Conservation – The Wilson Center holds a conversation on Wednesday, January 16th conservation projects in a war zone. The event, which will focus on Afghanistan, will feature Alex Dehgan and Geoff Dabelko, Ohio U Professor that is Senior Advisor to Wilson’s Environmental Change & Security Program. Dehgan will reflect on innovative approaches to protecting the environment and advancing security in some of the most politically and ecologically fragile places in the world, and the connections between conservation and political stability. His talk will also consider the larger changes of the political landscape and evolving US positions towards Afghanistan.

AS part of the Wednesday, January 16
11:45 AM - 1:30 PM

Rayburn House Office Building
Room 2253
45 Independence Avenue, SW
Washington, DC 20515

Automated, shared, and electric vehicles, called the "3 Revolutions" bring massive opportunities to improve safety, manage congestion, advance equity, and reduce pollution in transportation. But these new technologies will also challenge existing governance models. The future of transportation will require smart governance, which includes performance-based and flexible regulatory mechanisms.

This briefing will explain why the advent of the "3 Revolutions" era requires reevaluation of roles for federal, state, and local authorities. It will also cover ways to enable innovation while respecting privacy, proprietary, and safety concerns. Experts will discuss research findings and perspectives on how to harness the 3 Revolutions for the benefit of all.

This event is hosted by the

ClearPath, SoCo, Air Liquide to Headline BPC Innovation Forum – The Bipartisan Policy Center holds a panel discussion on Thursday January 17th at the Capitol Visitors Center with its American Energy Innovation Council on the crucial role of government in energy innovation. The conversation will build on the findings in the latest AEIC report and provide a business-sector perspective on the importance of federal energy research investments for the new Congress. Speakers will include ClearPath’s Jay Faison, SoCo CEO Tom Fanning and Air Liquide USA head Mike Graff, as well as Ohio Rep. Marcy Kaptur who will make intro remarks.

FERC Meeting – Thursday, January 17.

WCEE Hold Litigation Roundtable – The Women’s Council on Energy and the Environment (WCEE) will hold its 4th Annual Litigation Roundtable with the women Administrative Law Judges of the Federal Energy Regulatory Commission (FERC) and the Environmental Protection Agency (EPA). The Judges will discuss their experience as Administrative Law Judges, interesting developments in their careers, who mentored them along the way and who they themselves mentored, and share the “Dos & Don’ts” regarding hearings and settlement conferences.

Forums to Look at Offshore Wind – The Business Network for Offshore Wind, Marine Log, and Winston & Strawn LLP will begin a special three-part series of interactive discussions with U.S. government officials and industry authorities on regulatory issues affecting the construction and financing of offshore wind projects in the U.S. Starting Thursday, January 17th, they will discuss the U.S. Coast Guard’s Oversight Roles during the Implementation Phase of Offshore Wind Projects. Speakers will include U.S. Coast Guard officials Edward LeBlanc and Carl Moberg. Future events will be Thursday, February 14 on Bureau of Safety and Environmental Enforcement (BSEE)’s Safety Oversight of Offshore Wind Projects and Thursday, March 14th on Jones Act Compliance and U.S. Offshore Wind Projects.

Chamber to Discuss State of American Business – On Thursday morning, Chamber of Commerce head Tom Donohue delivers his annual State of American Business address to outline the top challenges facing our nation's business community and explore the policy solutions needed to fuel the next generation of American Dreams.

EIA to Release 2019 STEO at BPC – On January 24th, the U.S. Energy Information Administration (EIA) will release its 2019 Annual Energy Outlook (AEO) and discuss its January 2019 Short-Term Energy Outlook (STEO) at a public event hosted by the Bipartisan Policy Center. The event will feature a presentation by EIA Administrator Dr. Linda Capuano as well as panel discussions about the latest AEO and STEO. EIA releases its Annual Energy Outlook each year to provide updated projections of U.S. energy markets. In addition, EIA releases its Short-Term Energy Outlook each month. The January 2019 STEO release will include projections out to 2020 for the first time.

SEJ 2019 Journalists Guide to Energy, Environment – The Society of Enviro Journalists (SEJ) and Wilson Center will host the annual Journalists Guide to Energy and Environment on January 25th at the Wilson Center. More on this as we get closer.

State of the Union Address – January 29th

ACORE Webinar Looks at Offshore Wind – ACORE hosts a State of the Industry Webinar on Wednesday February 6th at Noon to offer the latest intelligence and analysis on renewable energy markets, finance and policy. The webinar is part of a quarterly series produced in partnership between ACORE and Bloomberg New Energy Finance (BNEF) and will feature a quarterly market update and a discussion of key issues in financing U.S. offshore wind development. Offshore wind projects could be a major element in the growth of U.S. renewable energy over the next decade, yet significant questions remain about the financing of these large, capital-intensive projects. The U.S. has seen a recent wave of major offshore wind project announcements, with 28 projects, totaling more than 25 GW, now in the project pipeline. Even as European banks, investors and capital markets have become increasingly comfortable with offshore wind as an asset class overseas, U.S. markets present new challenges. Speaker include ACORE's Todd Foley and Greg Wetstone; BNEF's Ethan Zindler and Tom Harris; and Stanford's Dan Reicher and Citigroup's Marshal Salant.

Forum on Storage Set for SF – The 12th annual Storage Week will be held on February 25-27 in San Francisco at the Hotel Kabuki. The event is the development and finance business hub at the forefront of behind-the-meter and grid-connected storage system deployments. This year, the event takes a deep dive into structuring both standalone and co-located storage projects, and assesses the opportunities emerging in states, new rules in organized markets and the needs of new customer classes.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 2/6/2019 9:30:46 PM
To: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]
CC: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
Subject: RE: NARUC Feb 12
Attachments: Event Form OAR AA (003).DOCX

Speaker form attached. Let me know if you need anything else.
 Paul

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, February 05, 2019 4:37 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Woods, Clint <woods.clint@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: FW: NARUC Feb 12

Hi Paul,
 I'm following up on your recent discussion with Clint regarding the invitation for Bill to speak at NARUC next week. As Clint noted, Bill is interested in this opportunity – to make sure we have all the details for scheduling, is there someone who could fill out the attached speaker request form?

Many thanks,

Isabel DeLuca
 Deputy Director of Communications
 Office of Air and Radiation, US EPA
 (202) 343-9247

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, February 04, 2019 5:43 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: NARUC Feb 12

Paul,

Just wanted to follow up with you – Any idea if anyone else would be on the panel? Bill Wehrum is taking a look and interested in participating.

Thanks!

Clint

From: Paul Bailey <pbailey@americaspower.org>
Sent: Wednesday, January 30, 2019 4:05 PM
To: Woods, Clint <woods.Clint@epa.gov>
Subject: RE: NARUC Feb 12

Thanks, Clint. Sorry you'll be in Houston but others on your team could do a good job too.

From: Woods, Clint <woods.clint@epa.gov>
Sent: Wednesday, January 30, 2019 2:53 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Re: NARUC Feb 12

Paul,

Thanks so much! Unfortunately, I'll be in Houston on the 12th, but I'm checking on availability for rest of the team (I believe Bill may be doing a sideline bfast thing for NARUC that morning, so he might be able to stick around for the panel).

Clint

On Jan 30, 2019, at 10:27 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Clint –

NARUC is holding a panel discussion on the ACE rule. I've agreed to be on the panel, and I've been asked to invite someone from EPA to also serve as a panelist. I'm not sure if they intend to invite other panelists. Would you be available and interested? The panel is scheduled for 10:45 – 11:45. I can provide more color if that would be helpful.

Thanks,
Paul

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

<image001.png>

Event Information Form

This form has been designed to assist in planning participation in events and activities.
This is not a confirmation of attendance.

Basic Background

Name of Event	NARUC Clean Coal Committee
Sponsoring Organization	NARUC
Date of Event	February 12
Time of Event	10:45 – 11:45 am
Expected time of remarks or participation by EPA official	20 minutes
Location (please include city/town and street address)	Ramada Renaissance Hotel Washington DC
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	There will be prominent signs in the hotel lobby. Use the hotel front entrance.
Where to meet POC	

Event Description and Role of the EPA official

Brief description or outline of the event	Panel discussion at the committee meeting.
Brochure, invitation and/or other event material(s)	
Agenda and order of speakers and biography/information of other speakers	EPA representative followed by Paul Bailey, ACCCE
Name of person introducing EPA official	Jeremy Oden, chair of the committee and commissioner on the Alabama PUC
Basic information about the role of the EPA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	Participate on a panel.
If the EPA official is a featured speaker, which topic(s) should they address and how long?	Topics are the ACE rule and NSR.
What rules would the audience like to hear about?	See above.
Will there be time for Q&A? If so, who will be moderating?	Yes. Commissioner Oden.
Do you have a sense of the types of questions that may be asked?	Likely to be about state implementation of the ACE rule.
Recommendations on the use of visuals/PowerPoint. Should the EPA official plan on using a PowerPoint Presentation?	PPT not necessary.
What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	U-shaped layout with panelists at head of U.

About the Audience

Please tell us about the make-up of the audience for the event:	
Expected number in attendance at the event	50 – 70 people
Will it be largely members of your organization?	Attendees will be mostly utility commissioners.
Will others be in attendance? If so, who will be at the event? (General public, Businesspeople, Educators, Families, Students – what grade level, Children – how old)	Other business people and trade press.
Others? (Please describe)	No.
Is the event open to press?	Yes.

Contact Information

Your name:	Paul Bailey
Telephone Number:	Ex. 6 Personal Privacy (PP)
Mailing Address:	
E-Mail Address:	pbailey@americaspower.org
Cell Phone Number:	Ex. 6 Personal Privacy (PP)
Fax Number:	
Best way to reach you at the event?	Cell phone or text

EPA Contact Person

Emily Atkinson, Administrative Speech Coordinator: 202-564-1850

John Millett, Communications Director: 202-564-2903

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 9/24/2018 8:04:46 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Sep 24 PRG Energy Update: Fuel Econ Hearings, Clean Energy Week

Friends,

Wow... a lot happening on many fronts... Perhaps today, given the Lions actually beat the Patriots (how does that happen?) and Tiger Woods has finally returned to the top by winning Southern-sponsored PGA Tour Championship (it finally happened), we should just get after it.

Speaking of Southern, its Vogtle nuclear project faces an important date today regarding its future. DOE weighed in Friday urging partners to keep the project going. Also today, NHTSA and EPA starts its three public listening sessions on the revisions to the fuels economy standard. The sessions begin today in Fresno, tomorrow in Dearborn MI, and Wednesday in Pittsburgh. Our friends at SAFE, will have **General Conaway** in Michigan tomorrow, who will say the national CAFE program may need to adjust to market realities, but it requires adjustments rather than a wholesale freeze. "We stand on the cusp of a technology revolution that offers the chance to end oil dependence in a way that will no longer constrain our foreign and military policy or threaten our economic independence and growth." Finally, it is Climate Week up in NYC surrounding the UN Meetings, so expect the usual craziness.

This week is the 2nd annual National Clean Energy Week, spearheaded by Citizens for Responsible Energy Solutions and co-sponsored by ClearPath and others. The week-long spotlight on clean and reliable energy technologies includes a number of official and side events, including a major Wednesday policymakers symposium featuring EPA's **Andy Wheeler**, Interior Sect. **Zinke**, FERC Commissioner **Neil Chatterjee**, DOE Under Secretary for Energy **Mark Menezes**, Senate Energy Chair **Lisa Murkowski**, Rep. **Tom Reed** and ClearPath Executive Director **Rich Powell**. The next evening, Sept. 27, CRES will host a ceremony on Capitol Hill honoring its champions, including **Murkowski, Reed, Sen. Tim Scott** (R-S.C.) and **Rep. Elise Stefanik** (R-N.Y.).

Speaking of the Press Club, Freedom Partners and Americans for Prosperity, in partnership with a coalition of advocacy groups (including our Bracewell trade coalition) representing American job creators, will host an event tomorrow at 10:00 a.m. in the Ballroom, featuring small business owners, manufacturers and farmers who have all been harmed by tariffs and protectionist trade policies. Also, **Steve Forbes** and **Rep. Roger Marshall** will share their views on the future of U.S. trade policy.

On the Hill this week, both the House and Senate are in session pushing final budget measures, including funding for environment and interior. Tomorrow, Senate Energy looks at quantum science with DOE science advisor Paul Dabbar. Wednesday, Senate Energy looks at man-made trash in oceans while Homeland Security tackles PFAS. Then Thursday, House Science looks at nuclear and House Energy deals with DOE modernization with relation to cybersecurity and disaster response, one of a number of looks at cybersecurity during the week that also include a two-day forum at the Roosevelt Security Council featuring Southern CEO **Tom Fanning** starting tomorrow and one Wednesday at the Newseum featuring our friends **Don Santa** of INGAA and **Dave McCurdy** of AGA. Also on Thursday, ClearPath's nuclear guru **Spencer Nelson** participates in a discussion hosted by R Street on bringing innovation and reform to the nuclear industry.

Finally, just a reminder, last week I mentioned that **Ann Navaro**, former high-level Interior official, is joining us at Bracewell. Just reminding you that I want to introduce her around to many of you covering the issues starting in the next few weeks. Several of you have already connected with me, but if you have not, please let me know so I can get you connected.

Call with questions. Best,

Frank Maisano
(202) 828-5864
c. (202) 997-5932

FRANKLY SPOKEN

“If NetPower’s technology keeps working, this dream (of zero emissions) could become reality. Implementing such a technology could make a significant dent in global carbon emissions, given that the EIA expects fossil fuels to account for more than three-quarters of world energy consumption through 2040.”

Sarah E. Hunt, the co-founder and CEO of Joseph Rainey Center for Public Policy, in an [expert voices](#) piece in Axios.

ON THE POD

California Gas Tax Challenge Discussed on Platts – [Platts Capital Crude](#) looks into whether California voters may soon repeal a 12 cents/gal gasoline tax increase, a ballot initiative which could prevent state lawmakers from ever again approving a gas tax jump without voter approval. Sam Ori, executive director at the Energy Policy Institute at the University of Chicago, discusses the potential impact on demand, state energy policy and future growth of electric vehicles.

FUN OPINIONS

MIT Expert Highlights Rough Road Impacts on Fuel Econ, GHGs – MIT Concrete Sustainability Hub Researcher Jeremy Gregory had an [op-ed in the USA Today](#) last week that argues few people are aware that the quality of our roads impacts the amount of fuel we use. Gregory says Pavement Vehicle Interaction (PVI) impacts everything from greenhouse gas emissions to our annual budget for gasoline. All vehicles, whether gasoline, diesel or electric, use energy to move — but some of that energy is being wasted. On roads with poor surface conditions or subpar structural properties, vehicles consume more fuel than what’s needed to move. Researchers are now focusing in on that excess fuel consumption by taking a hard look at PVI. Actions that improve road design and conditions not only improve vehicle fuel consumption and emissions, but it is even more important for state officials who should want to improve transportation maintenance, planning and budgeting so taxpayers can get the most effective bang for their transportation buck.

IN THE NEWS

Sutton Coal Ash Update – You may have seen varying reports about the coal ash issues from Hurricane Florence. Unfortunately, while this remains a serious issue, many activists who have fought Duke on coal ash, are aggressively touting the Florence impacts for their own benefit. [Here are some facts from Duke:](#) Initial water tests from the Sutton Plant in Wilmington confirm that discharges from the cooling lake to the Cape Fear River are not harming water quality downstream. As previously reported, coal ash basins remain stable. Water samples captured on Friday upstream and downstream of the Sutton plant site show little to no impact to river water quality. All results are well within the rigorous state water quality standards in place to protect the environment. There is little difference in river water quality when comparing samples taken upstream above the facility and downstream below the facility. [Complete test results and can be found here.](#) As previously announced, cenospheres have moved into the Cape Fear River. The company has deployed booms to try to capture any other material before it leaves the lake. Cenospheres are lightweight, hollow beads comprised of alumina and silica that are a byproduct of coal combustion. Importantly, cenospheres have a different chemical makeup than fly ash, bottom ash, boiler slag and other materials, which are the focus of regulation and concern.

Initial repair plans – Cape Fear River levels near the site are beginning to recede slightly, but Duke officials expect the river level to be high for days. The company continues to post photos and video to illustrate the situation at the site. As soon as the river stops flowing over the north end of the cooling lake dam and work conditions are safe, teams will begin repairs to stop water exiting the south side of the lake. The objective is to retain as much water in the lake as possible to

support future plant operations and recreation. Sutton Lake is a 1,100-acre man-made reservoir constructed in 1972 to supply cooling water to the Sutton Power Plant. The cooling lake does not store coal ash.

DOE issues Final Situational Hurricane Response Report – DOE emergency response efforts have been monitoring Hurricane Florence to deliver situational awareness of energy sector impacts. DOE responders in the field will facilitate subject matter expertise and assist with expedited waivers and special permits that aid industry restoration efforts. Since the start of the storm, DOE issued situation reports on the impacts to the energy sector and industry's restoration activities. [Situation Report #17, issued on Saturday](#) is the final regular Situation Report issued by DOE about impacts from Hurricane Florence. DOE/ESF-12 continues to provide support to FEMA and the States as needed. If there are any significant issues, DOE will provide updates as appropriate.

Vogtle Facing Key Date – Speaking of DOE, on Friday it urged owners of the Vogtle nuclear plant under construction not to cancel the project ahead of today's vote that could determine the plant future. Minority owners of the Vogtle nuclear project in Georgia are weighing whether to pull out of an expansion of the plant. DOE warned that would prompt the repayment of billions in federal loans and strike a blow to the fragile U.S. nuclear industry. In letters released late Friday, DOE said it understands that the choice to continue Vogtle is a "commercial decision," but warned that it would have a "profound impact on the U.S. nuclear industry" and leave a "reputational mark of American industry to complete important and complex infrastructure projects."

Nav Gen Deal Falls Through – The Navajo Generating Station (NGS), a coal plant on the Arizona-Utah border will cease operations in a year's time, after New York-based Avenue Capital and Chicago-based Middle River Power withdrew interest in the plant. Middle River Power dropped its bid saying "recent developments" in Arizona and California would have made it difficult to find a buyer for the plant's output.

China Pushing Back on Energy Tariffs – China said it [will impose](#) a 10% tariff on U.S. liquefied natural gas starting Monday as part of its retaliatory penalties on a further \$60 billion of U.S. imports, but crude oil will not be tariffed. Amid the escalating trade war, U.S. and Chinese officials said at an oil and gas forum in Houston that energy trade between the two countries [will remain strong](#).

ON THE SCHEDULE THIS WEEK

CAFE Public Hearing Set for CA, MI, PA – NHTSA and EPA will hold three public hearings on the revisions to the fuels economy standard. The hearing will occur on today in Fresno, tomorrow in Dearborn MI, and Wednesday in Pittsburgh. See General Conaway's comments for Michigan tomorrow, where he [will say](#) the national CAFE program may need to adjust to market realities, but it requires adjustments rather than a wholesale freeze. "

Climate Week NYC – Surrounding the UN Meetings this week, activists are once again holding ClimateWeekNYC. You can [see details here](#).

Offshore Wind Exec Summit Set for Houston – The Offshore Wind Executive Summit will be held today and tomorrow in Houston at the Westin Galleria and will focus on the current market including project development, important policy issues and the complicated supply chain. Our Bracewell colleague George Felcyn is presenting as well as NOIA's Randy Luthi, AWEA's Tom Kiernan, BOEM's James Bennett, Equinor's Mike Olsen, former BOEM head Tommy Beaudreau and UDel's Offshore Wind Initiative Stephanie McClellan.

Texas Energy Summit Set – The [Texas Energy Summit](#), hosted by the Energy Systems Laboratory at Texas A&M University Systems, Texas A&M Engineering Experiment Station will be held at the Hyatt Regency Houston/Galleria today through Wednesday. The Texas Energy Summit will continue to tackle all of the topics currently facing the energy industry.

State Energy Officials Meet in Detroit – The National Assn of State Energy Officials hold their [annual meeting](#) in Detroit today through Wednesday at the Westin in the Renaissance Center. NASEO's event convenes state, local, and private sector leaders of breakthrough, innovative, and effective energy programs, policies, and projects for a series of

discussions designed to foster peer learning and exchange among participants. The event will feature interactive sessions and discussions on transportation electrification, building-grid integration, and financing for energy innovation and infrastructure modernization. There is [a long list of presenters](#) here.

Energy Economists Look at Evolving Energy Realities – The 36th [USAEE/IAEE North American Energy Conference](#) will be held today through Thursday in Crystal City. The event provides a forum for informed and collegial discussion of how the emerging realities will impact all energy stakeholders. The conference will highlight contemporary energy themes at the intersection of economics, public policy, and politics, including those affecting energy infrastructure, environmental regulation, markets vs. government intervention, and international energy trade. Participation from industry, government, non-profit, and academic energy economists ensures robust, insightful discussion.

SoCo's Fanning Headline Forum to Look at Resilient Energy Future – The Roosevelt Strategic Council will hold its [2018 Microgrid and Resiliency Summit](#) tomorrow and Wednesday, focused on building a resilient, efficient and sustainable energy future. The 2018 Summit is a senior level educational forum. It will focus on the technical capabilities and innovations that are allowing for advanced microgrid projects and increased penetration of renewables and DERS into the grid. Equally, the Summit will also serve as a conduit for developing the strategic business models and use cases while discussing the current regulatory and market landscape. Speakers include Southern CEO Tom Fanning, DOE's Bruce Walker and Ameren's Joe Power, among many others

Forum to Look at Building Policies – Tomorrow morning at the US Green Buildings Council, DOE, the Environment, New Buildings Institute and several partners are [hosting the interactive session](#), which aims to stimulate collaboration, highlight leading local buildings and policies, and foster knowledge sharing regarding net-zero energy practice and policy.

Forum to Look at ESA – Resources for the Future hosts a [forum](#) tomorrow at 9:00 a.m. looking at the future of the Endangered Species Act. THE event will ask if an economic and environmental consensus is possible, and explore strategies for navigating the competing and complementing goals of environmentalists, conservationists, scientists, landowners, ranchers, and others. Our friend Mike Doyle of E&E News moderates the expert panel.

Senate Energy Look at Quantum Science – The Senate Energy Committee holds a hearing tomorrow looking at DOE's Efforts in the Field of Quantum Information Science. Witnesses will include DOE's Paul Dabbar, Argonne's Supratik Guha, Lawrence Berkeley National Laboratory Irfan Siddiqi and Microsoft's Todd Holmdahl.

AEE Webinar to Look at Blockchain – Advanced Energy Economy will hold a [webinar tomorrow](#) at 11:00 a.m. featuring expert panelists will discuss blockchain in wholesale market, distribution system, and behind-the-meter applications. Participants will gain a basic understanding of this distributed digital ledger technology and its potential uses in advanced energy, including examples from current pilot projects. Potential policy and regulatory issues that need to be addressed as blockchain is introduced in energy markets will also be covered.

Baltic Energy Forum Set – The Jamestown Foundation will [hold a conference](#) on energy security in the wider Baltic region tomorrow at the University Club. The conference will address the challenge to European security posed by Russia's Nord Stream Two natural gas pipeline project as well as discuss Northern Gate, an alternative energy transit corridor championed by Poland that will open up the region to Norwegian gas supplies and U.S. and international LNG shipments, blunting Gazprom's market monopoly position.

MIT Expert to Talk CCS – The US Energy Assn will [hold a forum](#) on carbon capture tomorrow at 2:00 p.m. featuring MIT Senior Research Engineer Howard Herzog. Herzog will give an overview of the current state of technology and policy related to Carbon Dioxide Capture and Storage (CCS) and cover seven aspects of CCS: (1) the role of CCS in addressing the climate change challenge, (2) a summary of large CCS projects in operation, (3) the current status and future directions for capture technology, (4) the current status and future directions for storage technology, (5) how to view negative emissions, (6) the policies and politics around CCS, and (7) what the future may hold.

Forum to Discuss Global Nuclear Issues – AE2C and the Johns Hopkins School of Advanced International Studies (SAIS) host a forum tomorrow at 4:00 p.m. looking at the global nuclear energy industry. The nuclear energy outlook in the U.S. seems uncertain as the nuclear industry faces fierce competition from natural gas and renewable energies, cost overruns in construction, and burdensome regulations. What are the challenges facing the nuclear energy sector in technological competitiveness, operational safety, and national security? AE2C will bring together a group of experts to discuss these pressing issues to help illuminate the potential future of nuclear power development around the world. Idaho Nat Lab GAIN Director Rita Baranwal, Exelon's George Gellrich and NRC's Ho Nieh are among the speakers.

Forum to Discuss AVs – The V2X & Spectrum Policy Roundtable, hosted by CarTalkDC and OmniAir Consortium, will hold a forum tomorrow evening regarding critical policy developments impacting connected and automated vehicles. The discussion will cover topics including: FCC spectrum sharing proceedings for DSRC, future spectrum needs for 5G, and practical examples of V2X deployments by states, cities, and adoption by automotive OEMs. SAFE's Greg Rogers moderates.

Clean Energy Week Forum Set – The 2018 National Clean Energy Week Policy Makers Symposium will be held on Wednesday at the National Press Club Ballroom. Speakers include EPA Acting Administrator Andrew Wheeler, Secretary of the Interior Ryan Zinke, FERC Commissioner Neil Chatterjee, Sen. Martin Heinrich, Daines and Murkowski and many more.

Forum to Look at Energy Cybersecurity – RealClearPolitics will hold a forum on energy cybersecurity Wednesday at 8:00 a.m. at the Newseum. The keynote speaker is Rep. Henry Cuellar of Texas and INGAA's Don Santa and AGA's Dave McCurdy will speak.

Forum to Look at Transportation – The Alliance to Save Energy's 50x50 Commission will hold an event Wednesday at 8:30 a.m. in 2255 Rayburn to roll out a new alliance that will unveil its full suite of policy recommendations on Capitol Hill to encourage policymakers to better prepare for the coming transformation. The Commission is a group of business, government, and civil society leaders that has been working to develop a pathway to capitalize on the opportunities of a rapidly changing industry by setting an ambitious goal of cutting the U.S. transportation sector's energy use by 50% by 2050 while meeting future mobility needs. The Commission will unveil. Keynote speakers will include Rep. Debbie Dingell (D-MI) and Pittsburgh Mayor William Peduto. The event looks at the key shifts in the industry, why their organization is participating in the Commission, and the importance of cohesive policies in securing the Commission's vision of the transportation future.

CSIS Looks at Indo-Pacific Clean Energy Transition – The CSIS Energy & National Security and Southeast Asia programs will host a forum on Wednesday at 9:00 a.m. looking at the State of the Indo-Pacific clean energy transition. The Forum will focus on grid regionalization and clean energy financing in Southeast Asia. The first discussion will explore lessons learned from other grid regionalization efforts, how interconnection between countries might affect the integration of renewable energy, and the financial, technical, and policy considerations that go into successful regional grid interconnection.

Border Energy Forum Set for San Antonio – The North American Development Bank (NADB) will host the XXIII Border Energy Forum in San Antonio on Wednesday and Thursday at the Hilton San Antonio. This forum brings together local and state officials, private sector developers, academics, large commercial users, and energy experts from the U.S. and Mexico. NADB's unique position as the only U.S.-Mexico binational development bank, has provided the Bank the opportunity to be involved in some of the most relevant clean energy projects developed in the last five years in the region. NADB has financed close to \$1.5 billion for 35 projects with total costs of \$5.2 billion. Roughly, 2,548 MW of new generation capacity is being installed along the border. The forum will center the dialogue on energy prosperity, innovation, financing, the future of energy markets, and crossborder opportunities along the U.S.-Mexico border, and how to continue building partnerships to advance both countries energy goals that ultimately improve economic development and protect the environment.

Senate Enviro Addresses Man-Made Trash – The Senate Environment Committee will hold a hearing on Wednesday at 10:00 a.m. reducing the impact of man-made trash on the environment, wildlife and human health. Witnesses include

Jonathan Baillie of the National Geographic Society, ACC's Cal Dooley, Coca-Cola North America's Bruce Karas and Kara Lavender Law of the Sea Education Association.

Senate Homeland Sec to Tackle PFAS Issues – The Senate Homeland Security Federal Spending Oversight and Emergency Management Subcommittee holds a hearing on Wednesday at 2:30 p.m. looking at the Federal role in PFAS. Witnesses include EPA's Peter Grevatt, DoD's Maureen Sullivan, HHS's Linda Birnbaum and GAO's Brian Lepore.

Forum to Look at Cyber Resilience – The US Energy Assn will hold a forum on Thursday at 10:00 a.m. on cyber resilience in the energy sector. Speakers from Marsh & McLennan Companies will present, including Paul Mee, North America Cyber Lead, Oliver Wyman, and Matt McCabe, Assistant General Counsel on Cyber Policy, will discuss how they work with companies in the energy sector to prevent, protect against, mitigate, respond to, and recover from cyber-attacks, thus helping them build true cyber resilience.

House Science Looks at Nuclear – The House Science Subcommittee on Energy will hold will hold a hearing on Thursday on advancing nuclear energy in the future. Witnesses include DOE Nuclear office head Ed McGinnis, Harlan Bowers of X-energy, MIT's John Parsons, and John Wagner of the Idaho National Laboratory.

House Energy Panel Hearing Set to Address DOE Modernization – The House Energy subpanel will host a hearing on Thursday at 10:15 a.m. to look at the DOE Modernization, focusing on the office of Cybersecurity, Energy Security and Emergency Response. Karen Evans, assistant secretary of cybersecurity, energy security and emergency response at DOE will testify.

Forum to Look at Carbon Tax Study – REMI will host a carbon tax discussion at its Washington, DC policy luncheon on Thursday with guest presenter Scott Nystrom, a Director at FTI Consulting, Inc. Alliance for Market Solutions commissioned FTI Consulting to evaluate the economic, fiscal and emission effects of a national revenue-neutral carbon tax. The study's authors applied this tax at the point of extraction or import, and simulated the implications of raising the cost of fossil fuels on the national, state, and industry levels. Nystrom, a co-author on the report, will review the proposal and the potential implications for the U.S. and state economies and major industries. He will also describe the methodologies behind the analysis of a revenue-neutral carbon tax.

Heritage to Host Sen. Johnson on Grid Security – Sen. Ron Johnson (R-Wis.) will address a forum Thursday at 2:00 p.m. at the Heritage Foundation on protecting the electric grid. The event will discuss the potential impacts of these events on American infrastructure and population, as well as the critical tasks that should be undertaken to minimize such a threat. Exelon's David Brown will join a panel after Johnson's remarks.

Forum to Look at Industrial Energy Consumers – Third Way, the AFL-CIO, and the Council on Competitiveness are hosting a forum to learn more about the benefits of smarter industrial energy use, and where policymakers can focus their efforts for maximum impact for industrial energy consumers. Speaker include AFL-CIO head Richard Trumka, Deborah Wince-Smith of the Council on Competitiveness, Third Way's Matt Bennett, Roxanne Brown of United Steelworkers and Craig Blue, Director of Energy Efficiency and Renewable Energy Programs at Oak Ridge National Laboratory.

Conservatives to Discuss Nuclear – Experts from the Breakthrough Institute, The Heritage Foundation, the ClearPath Foundation and R Street will hold a forum on Thursday at 3:00 p.m. looking at innovation and reform to the nuclear industry. After many years of failed attempts, a new path to an economically competitive domestic nuclear industry is close at hand. Nuclear micro-reactors (10 MW and smaller) allow for safe operation with radically simplified designs, making the case for far-reaching licensing and regulatory reform much stronger. Policy elements needed for a better future include licensing reforms at the Nuclear Regulatory Commission, extending the duration of federal purchase power agreements, and supporting construction of new fast reactors and advanced nuclear fuels.

Group to Honor Clean Energy Champs – On Thursday at 5:00 p.m. at the Capitol Hill Club, Citizens for Responsible Energy Solutions (CRES) will recognize its 2018 Clean Energy Champions. They include Sens. Lisa Murkowski (R-AK) and Tim Scott (R-SC), Reps Elise Stefanik (R-NY) and Tom Reed (R-NY) and Govs. Larry Hogan (R-MD) and Gary Herbert (R-UT).

PA Chambers, Unions, Members Join Manufacturing Conference – The Pennsylvania Energy and Manufacturing Forum will be held at the Energy and Innovation Center in Pittsburgh on Friday. The event, sponsored by the Consumer Energy Alliance, will feature Interior Sect Zinke, Williams CEO Alan Armstrong and LIUNA head Terry O’Sullivan. There will also be a bipartisan Congressional panel that features Reps. Mike Kelly, Connor Lamb, Keith Rohlfus, Bill Shuster, Mike Doyle and GT Thompson.

WCEE to Look at WOTUS Rule Issues – The Women’s Council on Energy and the Environment (WCEE) and the GW Law Environmental & Energy Law Program host a forum on Friday at Noon at GW Law School to discuss the legal fight over the waters of the US rule and it matters, as well as its impacts on the Chesapeake region. Harvard Law’s Caitlin McCoy will discuss the legal landscape of the proposed rule and the implications of some of its features. GWU’s Tara Scully will speak to the biological impacts of the proposed rule, particularly in the Chesapeake Bay ecosystem.

IN THE FUTURE

EPA to Host ACE Hearing in Chicago – The EPA will host a single public hearing on its proposed replacement for the Clean Power Plan in Chicago on Monday October 1st at the Ralph H. Metcalfe Federal Building. The building is the home of EPA's Region 5 headquarters.

Cato Hosts Public Transit Debate – On Monday October 1st, the Cato Institute holds a Capitol Hill forum on the Federal role in public transit. Cato’s Randall O’Toole and Jarrett Walker will debate. They will also hold a second round at Cato on following day, Tuesday October 2nd.

EEl Speaker to Discuss Renewables – Next Monday at 4:00 p.m., Johns Hopkins University ERE’s Global Leaders Forum presents a discussion about the surge in US renewable energy consumption. In 2017 for the fourth successive year renewables accounted for more than 50 percent of the new US electric generation capacity additions. Steadily declining costs of wind and solar have been a major factor behind this surge, along with favorable policy support. The speaker, EEI’s Lola Infante, will discuss these developments and describe which states are in the lead in expanding renewable sources of electricity as well as the future outlook.

Forum to Kick Off Smart Cities – CompTIA, the Smart Cities Council Policy Task Force, and the Smart Cities Caucus kick off Smart Cities Week – which returns to Washington, D.C. October 2-4. This event will feature speakers who will share not only “what’s next” on the road to more livable, workable and sustainable smart cities – but also how to get there. Speakers include Rep. Yvette Clarke, Chairperson of the Smart Cities Caucus.

Ideas Forum Set for DC – The Atlantic Council and Aspen Institute are hosting the Atlantic Festival on October 2-4th at Sidney Harman Hall n DC. Atlantic editor Jeffery Goldberg, former Secretary of State Sen. John Kerry and NYT reporter/author Mark Leibovich are among the numerous speakers. In its 10th year, Washington Ideas has become The Atlantic Festival. The conference always includes in-depth interviews with some of today’s biggest thinkers and leaders in technology, politics, business and the arts, we will illuminate new ideas, and grapple with the most consequential issues of our time.

CSIS to Look at Nuclear Navy Issues – The Center for Strategic & International Studies and the Naval Historical Foundation host a symposium next Tuesday about the history of nuclear power in the U.S. Navy, impacts the commercial nuclear energy industry has on the Navy, and key national security objectives. To discuss the historical context of this connection, the current state of affairs, and U.S. government action moving forward to mitigate the impacts of a declining nuclear power industry on the Navy and national security, CSIS is partnering with the Naval Historical Foundation to host this symposium.

JHU to Look at Clean Energy in Africa – Next Tuesday at 10:00 a.m., Johns Hopkins University holds a conversation on access and clean energy in Africa with Andrew Herscowitz, Coordinator of the US Power Africa Program. Herscowitz will interview JHU Professor Johannes Urpelainen,

TEPCO President to Look at Back at Fukushima – On Wednesday, October 3rd at 12:30 p.m., Johns Hopkins University hosts a forum on the Fukushima Daiichi Nuclear Power Plant accident. Steady progress has been made towards the reconstruction of Fukushima, the repopulation of surrounding areas, and the decommissioning of the plant, for which Tokyo Electric Power Company Holdings (TEPCO) will shoulder ¥16 trillion of the total ¥22 trillion estimated cost. Naomi Hirose, who endeavored to manage the Fukushima incident and spearheaded reform as President of TEPCO from 2012 to 2017, shares his insights into the current situation in Fukushima and elaborates on the implications of and lessons learned from the accident.

SEJ in Flint – The Society of Environmental Journalism holds its annual conference on October 3-6th in Flint. Of course, Bracewell hosts its annual event on Thursday October 4th.

ELI to Look at Waste Issues – Environmental Law Institute hosts a forum on Thursday, October 4th at 12:00 p.m. on waste issues. Expert panelists will explore the future of American waste, the potential for transformative sustainable innovation, and the regulatory aspects hindering and helping to establish a circular economy. In doing so, the panel will explore the possibilities of designing circular, waste-free economic, legal, and regulatory models to foster a cradle-to-cradle lifespan of material goods. Expert panelists will lead a dialogue on integrating the legal, social, environmental, and economic challenges of meaningful solutions to American waste.

Forum to Look at Utility of Future – Leaders in Energy will host a forum on Thursday evening October 4th at 5:30 p.m. at the US Navy Memorial looking at utilities of the future. Leaders in Energy event, in partnership with Resilient Virginia, will explore questions decarbonization and customer choice as well as examine pathways to a new paradigm for the electric grid. Speakers include EEI's John Caldwell, Cyril Draffin of the MIT Energy Initiative and EDF's Elizabeth Stein.

JHU to Discuss Offshore Wind – The John Hopkins University hosts a conversation on Friday, October 5th at 12:30 p.m. on offshore wind development. OSW in the US has suffered from fits and starts over the past decade. During this time, Europe has installed 15,780 MW of offshore generating capacity, coming from 4,149 grid-connected turbines in 11 countries. Cumulatively, this represents Euro74.1 Billion (approx. US\$91.8 BN) of investment in the European offshore wind industry. But recent initiatives in several Northeastern states give cause for optimism that this time. Clean energy expert Robert Gurman will address the subject.

EPA to Host Meeting on Oil, Gas Wastewater Study – The EPA will host a public meeting on October 9th on an oil and gas wastewater study

ClearPath, EPIC, ACCF host Forum on R&D Investments – On October 10, The Energy Policy Institute at the University of Chicago (EPIC), in partnership with ClearPath and the American Council for Capital Formation, will hosting discussions on lessons gleaned from research and practical experiences. The conversations will provide insight into how to translate research findings into actionable policy and industry approaches that can drive clean energy innovation.

WAPA Rally Set for VA Countryside – The Washington Automotive Press Association is hosting its 2018 Rally in the Virginia countryside on Thursday, October 11th at Summit Point Motorsports Park. As in the past, attendees will be able to experience a behind-the-wheel test of a large number of new vehicles from many automotive manufacturers. Representatives from the manufacturers will be on hand, so this is a great opportunity to network with them and other members.

Northam to Headline Offshore AWEA Wind Conference – AWEA will host its annual Offshore WINDPOWER Conference on October 16th and 17th in Washington DC. Virginia Governor Ralph Northam will speak at this year's Conference, along with Norwegian Energy Minister Kjell Børge Freiberg. Interior's James Bennett and our friends Stephanie McClellan of UDel's Wind Initiative and Bloomberg NEF's Ethan Zindler.

Forum to Look at Wood – In recognition of National Forest Products Week, the Environmental and Energy Study Institute (EESI) hosts a forum on October 23rd on Capitol Hill that discusses an innovative class of structural wood building materials. This briefing will bring together experts to tell the emerging story of the U.S. mass timber industry and how to capitalize on its potential. Speakers will include Sen Angus King.

Shale Insight Set For Pittsburgh – Shale Insight 2018 is set for Pittsburgh on October 23-25. The Marcellus Shale Coalition (MSC) hosts the event along with the Ohio and West Virginia Oil & Natgas Assns. SHALE INSIGHT™ offers insightful pre-conference workshops, technical and public affairs sessions, national keynote addresses, and high-powered networking sessions will provide attendees, sponsors, and exhibitor's unprecedented access to the industry's most influential leaders and innovators. You can see the [agenda HERE](#).

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 4/8/2019 4:06:31 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Apr 8 PRG Energy Update: Mastering Energy, Climate on Hill, Hearings & More

Friends,

CRAZY...That UVa NCAA Semifinal game again makes me think this just might be Tony Bennett's year. And he is such a good guy. Back in the early 1990s when he was coach at UW-Green Bay (and turned the program around), he would do political events with us when I worked for Congressman Toby Roth. Finals tonight at 9:20 p.m. from Minneapolis where they take on 2012 SEJ host Texas Tech ([GUNS UP](#)). And congrats to the Baylor Lady Bears [who denied Notre Dame a repeat](#) defeating the Irish in the yesterday's NCAA Women's hoops Championship, 82-81. Finally, [Frozen Four launches Thursday](#) in Buffalo with finals Saturday.

It also is [Masters Week](#)... That first major of the year is always special as it really tells us summer is getting closer. The NHL regular season is done and now it is show time for hockey's real or second Season: [the Stanley Cup Playoffs](#). Washington is excited about the Caps chances to repeat but Tampa again looks strong. Games start Wednesday.

We are jammed packed early in the week before House Dems head to Leesburg for a policy retreat and Easter Recess next week. As we've already seen, there will be a bunch more climate hearings starting tomorrow with House Oversight's morning sitdown with former Secretary of State John Kerry and Secretary of Defense Chuck Hagel (yes, that of Byrd-Hagel fame). In the afternoon, the new Oversight Environment subpanel hears from former Sen. and UN official Tim Wirth, Heritage's Nick Loris, Columbia's Jeffrey Sachs and former Clinton climate official/Princeton prof Michael Oppenheimer. House Foreign Affairs also takes up the climate legislation focused on preventing the President's Paris withdrawal that House Energy rammed through last week.

Over in the Senate, the Commerce panel on Transportation and Safety holds a hearing Wednesday to examine pipeline safety featuring PHMSA and NTSB heads, as well as API's Robin Rorick and INGAA member Paul Amato of Iroquois. On Thursday, Senate Energy holds a hearing on opportunities for energy innovation featuring former APRA-E head Arun Majumdar and others.

Finally, the long-awaited Presidential Executive Order on transportation and pipeline infrastructure is expected to be released late in the week.

Other great events include Andrew Wheeler joining the Environmental Council of the States at their Spring Meeting today, as well as an early week NY Offshore wind event hosted by the Business Network for Offshore Wind. AWEA publishes its annual market report for 2018 tomorrow providing a comprehensive look at the U.S. wind energy industry, including wind projects, wind turbine and component manufacturing, market rankings and key industry players. Wednesday morning is busy with a [WCEE infrastructure breakfast event at Bracewell](#) featuring Alex Hergott, BP's Heidi Keller and our colleague Ann Navaro; ClearPath, DOE and U.S. Nuclear Industry Council hosting the inaugural [Up & Atom Morning Briefing](#) at 8:30 a.m. featuring Idaho National Lab Director Mark Peters and at 9:00 a.m., a SAFE event on [NOPEC legislation issues Wednesday](#) featuring ADM Dennis Blair and Indy Mayor Greg Ballard, among others. Columbia U. also hosts its [annual energy summit](#) Wednesday in NYC with Jay Inslee and FERC's Neil Chatterjee among the speakers. On Thursday, [CRES hosts a panel](#) on "Republican Solutions to Reduce Emissions," with ClearPath's Jeremy Harrell on the panel and Friday EPIC holds its [Energy Forward Conference](#) in Chicago.

We are monitoring all the action (sports, politics and otherwise), following the key stories and are happy to discuss. Call with questions.

Best,

Frank Maisano
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FRANKLY SPOKEN

“I have church bells that ring across from my office here in D.C. I know that noise doesn’t give me cancer, otherwise I’m sure I’d have church bell cancer.”

Sen. Joni Ernst responding to last week’s “ridiculous” (her quote) comments by President Trump about windmills causing property values to decline and the noise causing cancer.

ON THE POD

Cement Folks Headed to Capitol Hill – The Portland Cement Association’s [new podcast](#) is on line and discusses next week’s fly-in with workers from the cement industry visiting Capitol Hill offices. Every industry group impacted by the infrastructure debate is looking to have its voice heard on Capitol Hill, so host Rachel Derby talks about their plans to discuss issues impacting the industry from transportation infrastructure to alternative fuels and construction resiliency.

FUN OPINIONS

DOE Budget Has Positives for Energy Storage R&D – [In a new blog](#), ClearPath’s lead storage analyst Faith Smith dove into the budget proposal and unlocked a couple of highlights aimed at helping consolidate and better target energy storage R&D efforts across multiple DOE offices, many of which also currently primarily focus on transportation rather than grid-scale storage. That includes a new Advanced Energy Storage Initiative across multiple DOE offices, as well as a new “launchpad” hosted at Pacific Northwest National Lab focused on testing and evaluating battery and potentially other grid-scale storage materials and systems. As Faith (with the help of ClearPath’s graphics guru Mitch Kersey) explains, this is all part of a vital missing piece of a larger clean energy puzzle. With wind and solar an ever-increasing percentage of our power generation, we need a broad portfolio of technologies at low cost to speed the transition to cleaner energy. That starts with smart investments in next-generation grid-scale energy storage and batteries.

IN THE NEWS

HFC Ruling Deals Another Setback – On Friday, the U.S. Court of Appeals for the DC Circuit vacated a portion of a 2016 EPA rule aimed at phasing out many uses of hydrofluorocarbons (HFCs). The judges said they were bound by a previous D.C. Circuit decision striking down part of a related 2015 regulation, which focused on other uses. The trade association representing the HVACR industry said the ruling underscores the need for legislative action to address the issue. “AHRI is satisfied that court battles over EPA’s SNAP rules are complete. Litigation causes uncertainty, and now we have legal certainty on EPA’s authority. We look forward to EPA’s revised SNAP rule, which we anticipate will squarely address the court’s decisions.” said AHRI General Counsel Caroline Davidson-Hood. “Now that this chapter is closed, we can move forward to find alternative avenues to bring about a national phase down of HFC refrigerants.”

Congress Focusing on EV Supply Chain, Issues – Federal officials are working on a national strategy to ensure an electric vehicle supply chain and plan to sit down with car manufacturers and lithium mining groups in early May to discuss it. Sens. John Hoeven (R-N.D.) and Lisa Murkowski (R-Alaska) have lead the charge on this issue and are expected to attend. Murkowski also is expected to introduce legislation to ease permitting for domestic mining of lithium and other elements critical for electric vehicles.

Bipartisan Sens Say Fund CCS – A bipartisan group of 12 senators want Congress to set an aggressive timeline in spending legislation for the Energy Department to develop new and improved carbon capture technologies. The senators are [urging their colleagues](#) on the Appropriations Committee to fund Energy Department programs for carbon capture, utilization, and storage technologies at the “highest possible levels” in fiscal year 2020. The Trump White

House, in its fiscal year 2020 budget request, proposes a nearly \$200 million cut to the Energy Department's Office of Fossil Energy Research and Development.

Don't Forget Energy Storage – Lawmakers reintroduces a perennial attempt to add stand-alone energy storage to the list of technologies eligible for the federal Investment Tax Credit (ITC). The Energy Storage Tax Incentive and Deployment Act, introduced Thursday by Rep. Mike Doyle (D-PA), is the latest update to a bill first introduced in 2016 by Sen. Martin Heinrich (D-NM). Its goal, broadly speaking, is to extend to batteries and other electric storage systems the same 30 percent ITC offered to solar PV systems. The latest version would grant full ITC eligibility to investments in commercial, residential and utility-scale energy storage, with the same ramp-down now set for solar — 30 percent through 2019, 26 percent in 2020, and 22 percent in 2021.

CPP Court Case Stalled Again – Late Friday, the D.C. Circuit Court of Appeals again gave the Trump Administration more time to finish changes to the previous EPA's Clean Power Plan. Despite complaints from some judges last year and constantly from enviro groups about EPA's pace, the court has consistently given EPA more time since it released the proposed replacement, the Affordable Clean Energy rule, last year. The order places the case "in abeyance" for another 60 days, though that effectively comes with a couple more months attached informally, giving EPA well into summer to produce its rule, which is expected this early this summer.

Enviro Groups Sue Shell for Climate Inaction in Netherlands – Environmentalist and human rights groups said on Friday they are suing Royal Dutch Shell in the Netherlands to force the energy firm to cut its reliance on fossil fuels. The groups, including Greenpeace and Friends of the Earth Netherlands, handed over a court summons to Shell at its headquarters in The Hague, demanding it stop extracting oil and gas and cut its greenhouse gas emissions to zero by 2050. Good luck with that, but maybe this is one reason Shell is revisiting its positions in trade groups that made some news last week.

ON THE SCHEDULE THIS WEEK

Wheeler Headlines ECOS Spring Meeting – The Environmental Council of the States' spring meeting is today and tomorrow at the Renaissance Arlington Capital View in Crystal City. The event which brings state environmental officials together includes a discussion between EPA Administrator Andrew Wheeler and ECOS President Becky Keogh, director of Arkansas Department of Environmental Quality, on advancing collaboration with EPA.

Offshore Wind Conference Set – The Business Network for Offshore Wind holds its International Partnering Forum (IPF) on today through Wednesday in NYC. The event is the leading technical conference for offshore wind in the United States and is dedicated to moving the industry forward. Speakers include our friends Liz Burdick, BOEM's Walter Cruickshank, Equinor's Christer af Geijerstam and Julia Bovey, Utility Dive's Iulia Gheorghiu and UDel's Jeremy Firestone, as well as NJ Gov. Phil Murphy, NYSERDA's Richard Kaufman and many more.

SoCo's Fanning Headlines Platts Global Power Markets Event – Platts hosts its 34th annual Global Power Markets event today through Wednesday at the Wynn in Las Vegas. Southern CEO Tim Fanning is the featured Keynote Address, while other key speakers include Avangrid CEO Laura Beane and many more.

Conference to Look at Energy in Central Asia – CERES holds an international, all-day conference at Georgetown today on energy and economics in Central Asia. Ambassador Richard Morningstar of the Atlantic Council will keynote.

WRI to Host Forum on Climate – The World Resources Institute holds a dialogue today at 3:30 p.m. on how to advance policies in the United States that respond to the scale of the climate challenge. Axios reporter Amy Harder will moderate a keynote conversation with Rep. Kathy Castor (D-FL), who leads the newly created House Select Committee on the Climate Crisis. This will be followed by an interview with former Rep. Carlos Curbelo (R-FL), co-founder of the Climate Solutions Caucus, and a panel of energy and climate experts that will dive deeper on what Congress can do in the near-term to shift the U.S. electricity system toward cleaner sources of power.

Green Investing Conference Focused on Renewable Finance Projects – IMN's 7th annual Green and SRI Investing Symposium, takes place tomorrow in New York City and will discuss social and environmental sustainability. The program has focused on the renewable energy finance sector given the rise in professionally managed Socially Responsible Investments (SRI) assets of more than 12 trillion.

House Oversight to Hit Climate – The House Oversight Committee will hold two hearing tomorrow on climate issues. The first at 10:00 a.m. will feature Kerry, Hagel. Then in the afternoon, the Committee's Environment panel hosts a hearing at 2:00 p.m. featuring former Sen and UN official Tim Wirth, Heritage's Nick Loris, Columbia's Jeffrey Sachs and former Clinton climate official/Princeton prof Michael Oppenheimer.

Wheeler Heads to House Energy for Budget – The House Committee on Energy and Commerce Committee hosts EPA Administrator Andrew Wheeler to discuss the agency's budget for fiscal year 2020. The so-called Annual Performance Plan and Budget of about \$6 billion represents a \$2.76 billion, or 31 percent reduction from last year.

Senate Energy to Hear from Forest Service on 2020 Budget – The Senate Energy Committee will hold a budget hearing tomorrow at 10:00 a.m. on the 2020 Budget for the USDA Forest Service. USDA Forest Service Chief Victoria Christiansen will testify.

Resources Looks at Puerto Rico Power Co – The House Committee on Natural Resources will hold an oversight hearing tomorrow at 10:00 a.m. on the controversial status of the rebuilding and privatization of the Puerto Rico Electric Power Authority (PREPA).

House Members Get Approps Day Tomorrow – The House Energy and Water Development Subcommittee will hold its members' day hearing tomorrow at 10:00 a.m. to hear about appropriators' spending priorities for fiscal 2020.

EIA STEO Released – The EIA issues its Short-Term Energy Outlook report tomorrow to offer a forecast of energy supply, demand, and prices. Among other recent trends, strong international demand for coal, particularly in Asia, has provided relief for U.S. coal producers reeling from the effects of the shale revolution, which has led to national coal consumption declining every year since 2008. The report has also been a harbinger for showing that ethanol demand loss has not been occurring as claimed by ethanol advocates.

JHU Forum to Look at Water-Energy – Tomorrow at 12:00 p.m., Johns Hopkins University's SAIS Energy Practicum Team for Fluence with a presentation looking at how water stress impacts thermal and hydro electricity generation. Practicum students have partnered with Fluence to analyze how water stress impacts thermal and hydro electricity generation.

AWEA Release Market Report – The American Wind Energy Association will publish its annual market report for 2018 tomorrow at 2:00 p.m. providing a comprehensive look at the U.S. wind energy industry, including wind projects, wind turbine and component manufacturing, market rankings and key industry players.

Forum to Look at Arctic Issues – The Woodrow Wilson Center's Polar Institute holds a discussion tomorrow at 1:00 p.m. on Arctic research in the national interest. The event

House Resources Panel to Look into Mountaintop Mining Legislation – At 2:00 p.m., the House Resources panel on Energy and Mineral Resources will hold a legislative hearing looking at the health and environmental impacts of mountaintop removal mining, including legislation from Kentucky Rep. John Yarmuth to place a moratorium on permitting for mountaintop removal coal mining until health studies are conducted by the Department of Health and Human Services, and for other purposes. Appalachian Communities Health Emergency Act of 2019.

Homeland Security Panel to Look at Climate – The House Homeland Security Emergency Preparedness, Response and Recovery Subcommittee hearing tomorrow at 2:00 p.m. in 310 Cannon on assessing the homeland security impacts of a changing climate. Witnesses include enviros, children's health advocates, first responders and disaster relief officials.

JHU Looks at India Energy – Johns Hopkins University’s Paul H. Nitze School of Advanced International Studies holds a discussion tomorrow at 5:00 p.m. looking inside India’s energy access revolution.

Columbia Hosts Energy Summit – Columbia University hosts 6th annual Columbia Global Energy Summit on Wednesday in Lerner Hall in NYC. The event features keynotes with Washington Gov. Jay Inslee, Occidental CEO Vicki Hollub and FERC Chairman Neil Chatterjee. Other speakers include Dan Yergin, State’s Frank Fannon, David Banks, Pioneer’s Scott Sheffield, former Rep. Carlos Curbelo, former ARPA-E head Arun Majumdar, DOE’s Paul Dabbar and former EERE head Cathy Zoi (now CEO of EVgo).

WCEE Event to Feature Transportation – Bracewell is hosting a Women’s Council on Energy and the Environment (WCEE) breakfast on Wednesday at Noon to discuss infrastructure with CEQ’s Alex Hergott. The federal environmental review and authorization for energy infrastructure often requires review across several agencies, with varying degrees of coordination on timing and scope, leading to delays and uncertainties. Reforming this process has been a cornerstone of the Trump Administration’s domestic policy agenda. Other speakers include my colleague Ann Navaro and Army Corps Reg Chief Tammy Turley.

Idaho Lab Director to Speak at Nuclear Briefing – ClearPath, DOE and U.S. Nuclear Industry Council host the inaugural Up & Atom Morning Briefing Wednesday morning at 8:30 a.m. in 209 SVC in the Capitol Visitors Center. The event will feature Idaho National Lab Director Mark Peters and former DOE Nuclear office head David Blee.

SAFE Event to Focus on NOPEC – Securing America’s Future Energy (SAFE) hosts a panel discussion at its office on Wednesday at 9:00 a.m. to look at NOPEC legislation to look at the cost of OPEC’s actions and explore potential policy responses. The panel will address the geopolitical, economic and legal ramifications for OPEC and its member countries if NOPEC is enacted into law. Panelists are Admiral Dennis Blair (Ret. & former Director of National Intelligence), NYU Law’s Harry First, Texas A&M University’s School of Innovation Dean Andrew Morriss and former Indianapolis Mayor Greg Ballard.

Energy Panel Looks at Infrastructure Efficiency – The House Energy and Commerce Energy Subcommittee holds a legislative hearing on Wednesday at 10:00 a.m. looking at investing in America’s energy infrastructure and improving energy efficiency and a diverse workforce. Legislation includes Blue Collar to Green Collar, weatherization enhancement and other similar bills.

Senate Environment looks at Legislation on Utilizing Emissions – The Senate Environment Committee holds a Business Meeting Wednesday at 10:00 a.m. to consider several Pieces of legislation including emissions and diesel technologies.

Senate Commerce to Focus on Pipelines Safety, Security – The Senate Commerce Committee will hold a hearing on Wednesday at 2:30 p.m. to examine federal pipeline safety and federal oversight as the Commerce Committee considers reauthorization of the Pipeline and Hazardous Materials Safety Administration’s pipeline safety program. Witnesses include PHMSA Administrator Howard “Skip” Elliott, NTSB Chair Robert Sumwalt, Iroquois Pipeline exec Paul Amato (representing INGAA) and API’s Robin Rorick.

Forum to Look at Book on Resilience, Democracy – The New America Fellows Program and Future Tense hold a conversation on Wednesday at 6:00 p.m. with David Wallace-Wells, author of the *New York Times* bestselling book *The Uninhabitable Earth: Life After Warming*, and Vann Newkirk, Staff Writer at the Atlantic, about the far-reaching impacts of climate change and steps policymakers and citizens can take to address short-term threats and build long-term strategies for resilience.

Senate Energy to Look at Innovation – The Senate Energy Committee will hold a hearing Thursday at 10:00 a.m. to discuss innovation in the energy sector that can help fight climate change. Witnesses include former APRA-E head Arun Majumdar, Robert Bryce of the Manhattan Institute, CSIS energy expert Sarah Ladislav, Columbia’s David Sandalow and NRG’s Abe Silverman.

IEA to Release Oil Report – On Thursday, the International Energy Agency will release its closely watched report on U.S. and foreign oil markets, covering supply, demand and prices. The [IEA Oil Market Report \(OMR\)](#) is one of the world's most authoritative and timely sources of data, forecasts and analysis on the global oil market. It will look closely at U.S. shale oil production, which will continue to grow through 2030, ultimately reaching more than 10 million barrels per day compared to 2018's 6.5 million.

Book Event to Look at Climate, Resilience – The New America Fellows Program and Future Tense hold a [conversation on Wednesday at 6:00 p.m.](#) with David Wallace-Wells, author of the *New York Times* bestselling book *The Uninhabitable Earth: Life After Warming*, and Vann Newkirk, Staff Writer at the *Atlantic*, about the far-reaching impacts of climate change and steps policymakers and citizens can take to address short-term threats and build long-term strategies for resilience.

CRES Forum to Look at Energy Solutions – On Thursday at Noon, Citizens for Responsible Energy Solutions [hosts a panel](#) on Republican solutions to reduce emissions at the Capitol Hill Club. Panelists including ClearPath Managing Director-Policy Jeremy Harrell, former Heritage expert Katie Tubb, AEE's Dylan Reed and NTU's Brandon Arnold, will discuss the new policy landscape for Republican engagement in clean energy and climate change. Attendees will include Hill staff, and energy and climate policy experts.

Forum to Look at Local Water Infrastructure Challenges – The Northeast-Midwest Institute [organizes Capitol Hill briefing](#) on Thursday at 2:30 p.m. to discuss the primary laws governing water quality and appropriation mechanisms that finance water infrastructure.

CEQ Neumayr to Address Coal Council Meeting – The National Coal Council kicks off [spring meeting](#) in Washington, D.C. on Thursday evening and Friday at the Marriott Wardman Park. CEQ Head Mary Neumayr speaks Thursday evening while DOE official Mark Menezes and Steve Winberg speak Friday.

EPIC Holds Booth Energy Conference – On Friday at the University Club of Chicago, the Energy Policy Institute of UChicago holds its [Booth Energy Forward 2019 conference](#) to examine the trends and opportunities that are defining the energy markets this year and beyond. Topics and questions addressed will include oil and gas, power and utilities, renewables, transportation, and more.

Kuwait Minister to Address GWU Programs on Energy Diversification – The Institute for International Economic Policy, The Institute for Middle East Studies, and the GW-Center for International Business Education and Research (GW-CIBER) [will host a conversation](#) with Kuwaiti Minister of Finance H.E. Dr. Nayef Al-Hajraf on Friday at 9:00 a.m. looking at economic diversification in the post-oil era.

Forum to Look at Urban Transition – The World Resources Institute's Coalition for Urban Transitions [presents a forum on Friday at Noon looking at investing](#) in a sustainable urban future, a new guide to national and sub-national reform. The creation of clean, compact, and connected cities can stimulate job creation and economic growth, improve air quality and living standards, and avoid the costs of sprawl - all while reducing carbon emissions. However, the sustainable urban infrastructure financing gap currently exceeds \$1 trillion per year. Join us for a lively discussion on the means and methods of addressing this critical gap. This event will be the official launch of a major new publication 'Scaling up investment for sustainable urban infrastructure: A guide to national and sub-national reform' co-authored by the London School of Economics and the Coalition for Urban Transitions.

JHU Forum to Look at NatGas in Transportation – JHU's SAIS program will [host a forum](#) on Friday at Noon looking the future of natural gas in the transportation sector. It is take a closer look at the use of natgas in marine, trucking and rail transport.

IN THE FUTURE

TAX DAY – April 15th PAY UP!!!

WOTUS Revision Comments Due – April 15th

Forum to Look at China Energy, Climate Policy – Next Monday at 5:00 p.m., Johns Hopkins University hosts a forum on China's energy and climate policies. In 2006 China became the world's leading emitter of greenhouse gases. Its policies for limiting emissions will have significant impact on the global climate for decades to come. China was an active participant in the Paris accord and has adopted climate goals including the peaking of CO2 emissions by 2030, lowering the carbon intensity of GDP, increasing the share of renewable and nuclear energy, and increasing its stock of forests. However, China consumes over half of the world's coal. While it seeks to reduce the role of coal, it is still building new coal power plants. This discussion will look at what climate policies China is pursuing and their potential success.

Forum to Look at Impacts of Russian Sanctions on Energy – The Atlantic Council hosts a forum on Wednesday, April 17th at 9:00 a.m. on the implications of Russia sanctions legislation on the energy sector. The expert panel will explore the potential effects the sanctions will have on the global LNG markets, new crude oil development, and Russian state energy projects abroad and the potential implications for oil and gas markets, energy projects, and companies if DASKAA becomes law.

WCEE Sets Happy Hour – The Women's Council on Energy & Environment holds a Happy Hour on Wednesday, April 17th 5:30 pm - 7:30 pm at Archipelago.

Good Friday – April 19th

Easter Sunday – April 21st

Petraeus to Address Energy Economists Annual Meeting – The National Capitol Area Chapter of the US Association for Energy Economics is holding its 23rd annual conference on Wednesday April 24th at the Marvin Center Continental Ballroom at George Washington University. The theme of this year's one-day event is Energy Security. The confirmed keynote speaker at lunch is David Petraeus, Chairman of the KKR Global Institute. General Petraeus is former director of the Central Intelligence Agency and was commanding general of the International Security Assistance Force in Afghanistan, and Commander of United States Central Command. Morning panels will focus on the international role of the United States, the perspective of the U.S. military, and the response of the refining and shipping industries to changes in emissions limits for bunker fuel. Afternoon panels will cover the security of the electric power grid and fossil fuel delivery systems. There are many leaders from think tanks, government, the private sector and consultancies to explain how energy security concerns are driving the energy markets.

EPIC Forum to Look at RFS Issues – On Wednesday, April 24th, the Energy Policy Institute of Chicago (EPIC) holds a forum to release new, cutting-edge research that sheds light on long-standing questions about the precise impact of RPS policies on electricity rates and their overall efficiency as a climate policy and discuss the economic and climate impacts of renewable portfolio standards. Speakers include EPIC head Michael Greenstone, former DOE Official Melanie Kenderdine and former staff director of Senate Energy McKie Campbell. The event will be moderated by Amy Harder of Axios.

White House Correspondents Dinner – President Trump announced Last week he wasn't going to attend the White House Correspondents' Dinner again this year. No surprise there. The dinner, often referred to as DC's Nerd Prom, will be held on Saturday April 27th. It is always a fun time and while Trump won't go, I always will!!!

EPA E15, RIN Market Reforms Comments Due – April 29th

ACCF to Host Chatterjee – The American Council for Capital Formation and the ACCF Center for Policy Research hosts a special event on April 30th at noon in the Chinese Ballroom of the Mayflower Hotel discussing the 2019 FERC Agenda that features a conversation with Chairman Neil Chatterjee.

SEIA to Host Diversity Challenge – On May 6th, the Solar Energy Industries Association will be issuing a Diversity Challenge in concert with the broader energy industry. The purpose of the challenge is to start a conversation about

what our sector is doing to address diversity and inclusion. It's intended to be a constructive way to bring the energy world forward to talk about an issue that is of critical importance to its collective businesses. For example, organizations and businesses with diverse workforces are more innovative and more successful. To launch this challenge, SEIA will be hosting an event at the National Press Club with the Solar Foundation to release an updated Solar Diversity Study and Diversity Best Practice Guide. They will also launch a #DiversityChallenge that can be shared on social media regarding what companies/organizations have done, what they are working on, and what has been successful in increasing diversity and inclusion. Other Components of the Challenge Include:

- SEIA is recruiting dozens of solar companies to sign on to the [PWC CEO Action Pledge](#)
- Hosting ancillary events around the country after May 6th to ensure this important topic is discussed outside of DC with solar companies
- Planning a workshop at the Press Club event to learn about and share components of a successful diversity campaign.

FRANK MAISANO

Senior Principal

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Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 9/4/2018 5:36:58 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Sep 4 PRG Energy Update: Congress Returns to Major Budget, SCOTUS, Ag Action

Friends,

Hope you enjoyed your Labor Day Weekend. It was a last bit of quiet before the final Congressional push and mid-term campaign season jumps into full swing. While we return to action this week, a majority of the focus is on the SCOTUS nomination of Brett Kavanaugh. While we are usually out of these issues, Kavanaugh has been active on the DC Circuit on environmental cases and expect some members (and enviro groups) to question him on environment and energy issues including standing, federal regulation and other issues.

On the budget/funding side, real negotiations on conference bills are expected to pick up now that the House is back. The "minibus" Energy-Water package should be ready fairly quickly with another four-bill spending package that includes the \$35.8 billion Interior and Environment title underway as well. And House and Senate Farm bill negotiators begin a push to bridge difference there starting tomorrow. We have our eyes on things related to ethanol policy there.

I also know many of you (going through Pruitt withdrawals) will focus on today's security IG report. While that is fun, Chik-fil-a catnip, it is important to remember that Andrew Wheeler is running a very different operation at EPA. We can continue to discuss the upcoming fuel economy hearings, the ACE rule, last week's mercury decision and any other action at EPA. Jeff and Scott are available. Who knows, maybe there'll be another Trump book today that will take away all the attention!!!

Not many events this week but on Thursday morning at AJAX DC, *The Hill* in collaboration with the Bipartisan Policy Center will convene policymakers, business leaders and advocacy groups to examine the issues that are motivating greater climate collaboration and consider the substance and politics behind these initiatives.

Finally, I hope you will take in the action at the US Open this upcoming weekend. There is some great tennis being played. NFL launches on Thursday. Call with questions. Best,

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FRANKLY SPOKEN

"Kigali gets us everything we want and everything we've been advocating for a long time—a unified, negotiated decision on phasedowns [of HFCs] instead of prohibitions. U.S. ratification of the global deal offers the greatest level of certainty for the market writ large."

Caroline Davidson-Hood, general counsel for the Air-Conditioning, Heating, and Refrigeration Institute following EPA's decision to not request that SCOTUS take an HFC case and its relation to the need for the Kigali Amendment to eliminate HFCs.

"Some people wake-up each morning wondering if what they do makes a difference for their country. No one at DOE does. We protect, innovate and continue to explore the boundaries of knowledge. It impresses me to no end what the people in this Department accomplish, and it's a pleasure to salute you today for the outstanding work that you do."

DOE Secretary Perry at the Honor Awards and Presidential Rank Awards ceremony at DOE Headquarters.

ON THE POD

Bracewell Trade Export Talks NAFTA on Cap Crude Looks – The [Platts Capitol Crude](#) podcast focuses on trade and NAFTA today featuring my Bracewell colleague Josh Zive. The US/Mexico trade deal appears to include a provision the US oil and gas industry sees as critical to protecting investments in the newly opened Mexican upstream. Zive discusses the still-unfolding agreement, what it means in the context of the Mexican energy reforms, the striking absence of Canada, and the deal's chances in the US Congress.

FUN OPINIONS

SAFE Head Addresses AV Opportunities in WSJ Response – Securing America's Future Energy CEO Robbie Diamond said in a letter to the *Wall Street Journal* that passing the AV policy legislation and enabling a bipartisan federal self-driving framework would benefit the nearly 20 million disabled Americans, in addition to retirees, who experience daily barriers to transportation and the opportunities it provides. Diamond wrote: "Delaying the passage of critical self-driving legislation not only will derail these much-needed benefits, but prolong the status quo of rising death tolls on U.S. roads. In 2017, 40,100 people died from vehicle accidents, a 6% increase from 2015. As data show, 94% of crashes are due either wholly or in part to driver error; the lifesaving potential of self-driving cars is both obvious and significant."

IN THE NEWS

EPA Reconsiders Mercury Rule – Late last week, EPA told media outlets it will reconsider a rule that restricts mercury and toxic air emissions from power plants. In 2015, the Supreme Court rejected the previous EPA's cost-benefit analysis of its version the Mercury rule, contending EPA didn't properly account for industry's compliance costs. My colleague Jeff Holmstead served as EPA air office head from 2000-2005 said he is not surprised that EPA is reopening the Obama EPA's finding that it was "appropriate and necessary" to regulate power plants under section 112 of the Act. Holmstead says the Supreme Court already rejected the original Obama finding because EPA refused to consider the cost of those regulations, and several justices also expressed skepticism about the argument that the Obama EPA made to support its second finding, which the current EPA is now reviewing. Holmstead: "Even if EPA does ultimately reverse the Obama "appropriate and necessary" finding, this doesn't mean that the MATS rule will go away. EPA would have to go through another, separate rulemaking process to eliminate the MATS rule, and I don't think that anyone is talking about doing that. It would serve no purpose because the power sector has already spent billions of dollars to bring all their plants into compliance."

EPA Changes Mind on SCOTUS Cert for HFC Case – You may have seen that [EPA reversed course](#) on asking the Supreme Court to hear an appeal of a lower court decision that overturned a rule that regulated a global warming-inducing coolant. EPA revisited the issue and asked SCOTUS to not grant *cert* on *Honeywell v. Mexichem Fluor*, saying yesterday that the D.C. Circuit was correct in June when it limited the government's authority to use Section 612(c) of the Clean Air Act to regulate HFCs, which do not harm the ozone layer but do contribute to climate change. Former EPA air office head Jeff Holmstead and longtime HVAC rep Scott Segal (and my Bracewell colleagues) recently [filed a brief urging the SCOTUS to take the case](#). On behalf of five major HVACR companies (**Lennox, Carrier, Nortek, Rheem & Ingersoll Rand**), Holmstead and Segal [asked the Supreme Court](#) to review the lower court decision that blocked EPA implementation of HFC reductions using its SNAP program, saying the decision creates a regulatory mess that EPA has been unable to fix almost a year after the decision was handed down. Unless the Supreme Court steps in, the result will be an extended period of regulatory uncertainty, almost certainly including years of litigation challenging the new rule that EPA ultimately develops to implement a confusing D.C. Circuit decision that was wrongly decided. The companies filing the brief are the leading U.S. manufacturers of HVACR equipment. Together with another manufacturer filing its own amicus brief, they account for well over 75% of the residential and commercial air conditioning and commercial refrigeration equipment that is manufactured and sold in North America.

How Does that Relate to Montreal/Kigali – As it relates to the Montreal Protocol, it is important to note while a few conservative groups urged the President to block the effort, there is a wide swath of business and conservative groups that think the Kigali amendment to the Montreal Protocol should be sent to the Senate for ratification. Here are a few things:

- A recent economic analysis for the White House showed significant jobs gains
- 13 Republican Senators (mostly conservatives) urged the President to submit it to the Senate
- 34 HVACR Manufacturing CEOs urged support for the agreement
- 3 conservative taxpayers groups (ACCF, Americans for Tax Reform and FreedomWorks) suggested Trump support Kigali because of global competitiveness advantages.
- All of this occurs after a lawsuit by 11 states against EPA over implementing over HFC reductions. These same AGs also filed a brief asking the Supreme Court to take the case.

A legal fight over the EPA guidance raises concerns about avenues for regulations to change, even as the industry continues to advocate for U.S. participation in a 2016 global deal to phase down HFCs called the Kigali Amendment to the Montreal Protocol. If you questions, please feel to reach out. I'm sure Holmstead, former White House advisor David Banks at ACCF and/or Steve Yurek at AHRI would be happy to discuss.

ECOS Chief to Head EPA Chemical Office – President Donald Trump has nominated Alexandra Dapolito Dunn, a longtime environmental attorney and current head of EPA's New England office, to head the agency's chemicals and pesticides office. Of course, his previous pick – Michael Dourson – was withdraw after significant controversies.

Harder, Campbell, Kenderdine EPIC Fellows – The Energy Policy Institute at the University of Chicago (EPIC) announced that veteran energy reporter Amy Harder will be its inaugural Visiting Fellow in Journalism for the 2018-2019 academic year. Harder, an energy reporter for Axios, will moderate a series of events and share her expertise with students and the broader campus community through workshops and public discussions. EPIC will also have McKie Campbell, former staff director of the U.S. Senate Energy and Natural Resources Committee, and Melanie Kenderdine, former director of the U.S. Department of Energy (DOE) Office of Energy Policy and Systems Analysis and Energy Counselor to the Secretary, as 2018-2019 Visiting Fellows in Policy Practice. Campbell and Kenderdine will share their perspectives and expertise in a series of events, workshops and public discussions, as well as serve as resources for students and the Institute.

Perry Honors DOE Employees – DOE held its annual Secretary's Honor Awards and Presidential Rank Awards ceremony at DOE Headquarters. Secretary of Energy Rick Perry spoke at the event, recognizing the outstanding achievements of individuals and teams who have gone above and beyond in fulfilling DOE's mission and serving the Nation. In total, 775 employees across DOE and the federal government were recognized both individually and in teams for their hard work and dedication to public service. Some of the achievements include 2017 Hurricane season emergency response; standing up of NNSA's Center for Excellence in Cyber Threat Intelligence to heighten cybersecurity efforts; strengthened nonproliferation efforts and revitalization of the domestic nuclear industry. In addition, ten DOE Senior Executive Service members were recognized for receiving Presidential Rank Awards in 2017. Two executives received the highest honor, the Distinguished Rank Award, and eight executives received the Meritorious Rank Award.

ON THE SCHEDULE THIS WEEK

DOE Hosts Grid Workshop – DOE's Grid Modernization Initiative (GMI) is holding a peer review today through Friday at the Sheraton Pentagon City Hotel. During this event, a portfolio of grid modernization activities across 13 programs will be reviewed, including seven recently awarded Resilient Distribution Systems projects. The comprehensive review will look at the projects at a program level, provide lessons learned, and share best practices. A poster session will provide an opportunity for attendees to talk with the researchers and learn more about the over 80 projects in the portfolio. In addition, a dedicated session will discuss the 11 Pioneer Partnership Projects that ended earlier this year.

Farm Bill Conference Meeting Set – Tomorrow at 9:30 a.m. in the Kennedy Caucus Room - Room 325, the Senate Committee on Agriculture has announced a conference meeting on the Farm Bill.

Forum to Discuss Nuclear – The U.S. Nuclear Industry Council, with support from DOE's Office of Nuclear Energy, is hosting a bipartisan, education presentation tomorrow at 11:30 a.m. featuring Members of Congress, Hill staff and industry regarding the US nuclear fleet, its jobs, exports, and clean energy leadership. Speakers include Reps. Roger Marshall and Joe Wilson; Southern's Mike Riith and many more. Lunch will be served, including "Atomic Wings."

Report on Great Lakes Green Infrastructure Released – The Great Lakes Commission and Northeast Midwest Institute hold a briefing and report launch on tomorrow at 2:30 p.m. for "Great Lakes Regional Green Infrastructure Policy Analysis: Addressing Barriers to Implementation." Speakers will include GLC Program Director Victoria Pebbles, Gary Belan of American Rivers and Great Lakes and St. Lawrence Cities Initiative President John Dickert.

Conservative Clean Energy Conference Set – The Young Conservatives for Energy Reform & Christian Coalition is hosting its annual Conservative Clean Energy Summit at the Hyatt Regency Washington on Capitol Hill tomorrow through Friday.

Hill, BPC Forum to Look at Resiliency – *The Hill* in collaboration with the Bipartisan Policy Center will convene policymakers, business leaders and advocacy groups on Thursday morning at AJAX DC to examine the issues that are motivating greater climate collaboration and consider the substance and politics behind these initiatives. The risks to resiliency posed by extreme weather are prompting U.S. cities, states, and businesses to take action, even as the issue continues to polarize many leaders in the nation's capital. Speakers include Rep. Brian Fitzpatrick, Sen. Sheldon Whitehouse, IBEW's Donnie Colston, API's Kyle Isakower, Pepco's Melissa Lavinson, Brian Pallasch of the American Society of Civil Engineers and Glenn Prickett of The Nature Conservancy.

AEI look s Paris Climate Agreement – On Thursday at 9:30 a.m. AEI, hosts a forum on the 2015 Paris agreement on climate change. Experts and representatives from international organizations and academia will provide their perspectives on whether carbon pricing can work, what sorts of carbon prices countries might need, trade-offs with other mitigation policies, and the current state of carbon pricing. Panelists will also discuss evidence on the health benefits from reducing fossil fuel use and how the overall architecture of the Paris agreement might be improved. Speakers include Harvard's Joe Aldy, RFF's Maureen Cropper and Ian Parry of the International Monetary Fund.

Duke's Nicholas Institute to Host State Carbon Trading Forum – On Thursday at 10:00 a.m. Duke in DC's Nicholas Institute will host a forum on states and carbon trading. The forum will look at the nuts and bolts of linking State Programs. The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort of nine Northeast and MidAtlantic states to cap and reduce carbon dioxide emissions from power plants through a market-based, emissions trading program.

Danish to Discuss ACE Rule – On Thursday at 2:00 p.m., the United States Energy Association holds a forum on the proposed Affordable Clean Energy (ACE) rule. ACE would replace the 2015 Clean Power Plan (CPP), which EPA is proposing to repeal (in a separate rulemaking) on the grounds that the CPP exceeded the agency's authority under the CAA. Guest speaker Kyle Danish will discuss the implications of the rule.

IN THE FUTURE

WAPA, DTF Forum to Highlight Diesel Issues – Next Monday at 11:30 a.m. at Engine Co 12 in NW DC, the Washington Automotive Press Association and the Diesel Technology Forum host a lunch to look at the true 'state of diesel' in the U.S. automotive market. Speakers include GM's Global Diesel Executive Director, Pierpaolo Antonioli and GM's Regional Chief, Engineer, Mike Siegrist. You will also hear the very latest IHS Markit diesel vehicles-in-use data for the United States; and get details about new research on the benefits of new-technology diesel pickup trucks.

JHU to Feature Rockefeller Foundation President – The Johns Hopkins University SAIS and the Initiative for Sustainable Energy Policy (ISEP) host a forum next Monday at 12:30 pm in its Kenney Herter Auditorium featuring Dean Vali Nasr and a conversation on affordable and clean energy with the President of the Rockefeller Foundation, Rajiv Shah.

Forum to Look at Southern Gas Corridor – The Atlantic Council’s Global Energy Center hosts a conversation about the Southern Gas Corridor and European energy security next Tuesday at 11:00 a.m. In the wake of new developments in constructing and completing the Southern Gas Corridor, a key priority project for European energy security, our expert panel will discuss the progress already made, challenges still ahead, and opportunities for the future.

WCEE to Host Forum to Highlight Women in Energy Stories – Next Tuesday starting at 6:00 p.m., the Women’s Council on Energy and the Environment’s (WCEE) Career Building Section hosts a reception and discussion at USEA about challenges and opportunities for women working in energy. Our friends Vicky Bailey and Sheila Slocum Hollis will share their expertise on overcoming obstacles, discuss skills required for convening stakeholders, and bring examples of leading towards practical solutions for the real world.

Climate Summit Set for SF – The Global Climate Action Summit will be held in San Francisco on Wednesday September 12th through Friday September 14th. The forum will bring leaders and people together from around the world to support action on climate change. It will also feature action by states, regions, cities, companies, investors and citizens with respect to climate action. It will also be a launchpad for deeper worldwide commitments and accelerated action from countries—supported by all sectors of society—that can put the globe on track to prevent dangerous climate change and realize the historic Paris Agreement. States and regions, cities, businesses and investors are leading the charge on pushing down global emissions by 2020, setting the stage to reach net zero emissions by midcentury. Speakers include Gov. Jerry Brown, UNFCCC head Patricia Espinosa, Michael Bloomberg and many more.

Electric Cars on Display on National Mall – National Drive Electric Week launches in Washington on Sunday, September 16th with events from 10:00 am - 3:00 pm on the National Mall near National Gallery of Art (7th Street, NW). At the event, you will learn about electric vehicles and see the latest models on the National Mall.

Forum to Look at Carbon Tax – On Monday, September 17th at 1:30 p.m. in the U.S. Capitol Visitors Center, Plant Oil Powered Diesel, Inc. is hosting a panel discussion on the carbon tax, featuring industry, environmentalist and citizen views. More on the panelists as we get closer next week.

CSIS Hosts Trade Reps – On Monday September 17th, the CSIS Scholl Chair in International Business is hosting a conversation with six former United States Trade Representatives, who will share wisdom from their own experience and discuss the current global trading system, its institutions, and the prospects for trade in these challenging times. Speakers include Bill Brock, Carla Hills, Micky Kantor, Charlene Barshefsky, Susan Schwab and Ron Kirk.

CAFE Public Hearing Set for CA, MI, PA – NHTSA and EPA will hold three public hearings on the revisions to the fuels economy standard. The hearing will occur on Sept 25th in Fresno, Sept 26th in Dearborn MI, and Sept 27th in Pittsburgh.

Border Energy Forum Set for San Antonio – The North American Development Bank (NADB) will host the XXIII Border Energy Forum in San Antonio on September 26th and 27th at the Hilton San Antonio. This forum brings together local and state officials, private sector developers, academics, large commercial users, and energy experts from the U.S. and Mexico. NADB’s unique position as the only U.S.-Mexico binational development bank, has provided the Bank the opportunity to be involved in some of the most relevant clean energy projects developed in the last five years in the region. NADB has financed close to \$1.5 billion for 35 projects with total costs of \$5.2 billion. Roughly, 2,548 MW of new generation capacity is being installed along the border. The forum will center the dialogue on energy prosperity, innovation, financing, the future of energy markets, and crossborder opportunities along the U.S.-Mexico border, and how to continue building partnerships to advance both countries energy goals that ultimately improve economic development and protect the environment.

SEJ in Flint – The Society of Environmental Journalism holds its annual conference on October 3-6th in Flint. Of course, Bracewell hosts its annual event on Thursday October 4th.

Message

From: DeLuca, Isabel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B021C30CBEE4637A7C7CA683E5E044A-IDELUCA]
Sent: 2/5/2019 9:36:59 PM
To: Paul Bailey [pbailey@americaspower.org]
CC: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Rakosnik, Delaney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=274573739a9f446883072599086ededd-Rakosnik, D]
Subject: FW: NARUC Feb 12
Attachments: Event Form OAR AA.DOCX

Hi Paul,

I'm following up on your recent discussion with Clint regarding the invitation for Bill to speak at NARUC next week. As Clint noted, Bill is interested in this opportunity – to make sure we have all the details for scheduling, is there someone who could fill out the attached speaker request form?

Many thanks,

Isabel DeLuca
 Deputy Director of Communications
 Office of Air and Radiation, US EPA
 (202) 343-9247

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, February 04, 2019 5:43 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: NARUC Feb 12

Paul,

Just wanted to follow up with you – Any idea if anyone else would be on the panel? Bill Wehrum is taking a look and interested in participating.

Thanks!

Clint

From: Paul Bailey <pbailey@americaspower.org>
Sent: Wednesday, January 30, 2019 4:05 PM
To: Woods, Clint <woods.Clint@epa.gov>
Subject: RE: NARUC Feb 12

Thanks, Clint. Sorry you'll be in Houston but others on your team could do a good job too.

From: Woods, Clint <woods.clint@epa.gov>
Sent: Wednesday, January 30, 2019 2:53 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Re: NARUC Feb 12

Paul,

Thanks so much! Unfortunately, I'll be in Houston on the 12th, but I'm checking on availability for rest of the team (I believe Bill may be doing a sideline bfast thing for NARUC that morning, so he might be able to stick around for the panel).

Clint

On Jan 30, 2019, at 10:27 AM, Paul Bailey <pbailey@americaspower.org> wrote:

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NARUC is holding a panel discussion on the ACE rule. I've agreed to be on the panel, and I've been asked to invite someone from EPA to also serve as a panelist. I'm not sure if they intend to invite other panelists. Would you be available and interested? The panel is scheduled for 10:45 – 11:45. I can provide more color if that would be helpful.

Thanks,
Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 11/15/2018 12:34:07 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
CC: Michelle Bloodworth [mbloodworth@americaspower.org]
Subject: Thanks

Clint –

You did a great job yesterday. I'm sorry we didn't have more time for questions because ACE and NSR are very important to our Board. Let's stay in touch.

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 2/4/2019 11:28:47 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
CC: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]
Subject: RE: NARUC Feb 12

I keep asking and they say it's just me and someone from EPA.

Paul Bailey

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Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image001.png>

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 11/14/2018 10:32:19 AM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: Board meeting this morning
Attachments: Final Board Agenda Nov 8.pdf

Clint –

I'm tardy getting this to you but attached is the agenda for the meeting. Basically, Bill Brownell will be speaking for the utilities and Peter Glazer will be speaking for the coal producers. I'll call on you first to explain at a high level what ACE is about, timeline, etc. and NSR reforms. After the three of you finish speaking, I might ask you as a follow-up question what kind of feedback you're getting from the states, so far. We've looked at the comments of 18 states that generate a lot of electricity from coal. A number of them feel like they need more guidance (e.g., model plan) from EPA in the final rule, and several said they need more than three years to develop an implementation plan. Are there any other questions you'd like me to ask you?

Thanks again,
Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

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ANNUAL BOARD OF DIRECTORS MEETING**Wednesday, November 14, 2018****600 Massachusetts Avenue NW, Civiletti Room, 9th floor**

Please note that times below are subject to change due to speakers' schedules.

8:00 am	Continental Breakfast
8:30 am	Call to Order, Welcome, and Antitrust Statement
8:35 am	Senator Todd Young (R-IN)
9:00 am	ACE Replacement Rule Discussion <ul style="list-style-type: none">• Bill Brownell, Hunton Andrews Kurth LLP• Peter Glaser, Troutman Sanders LLP• Clint Woods, Deputy Assistant Administrator, Office of Air and Radiation, US EPA
9:45 am	Richard Doying, EVP Markets, MISO
10:15 am	Break
10:30 am	Representative David McKinley (R-WV)
11:00 am	Chairman Neil Chatterjee, FERC
11:30 am	Commissioner Talina Mathews, Kentucky PSC
Noon	Andy Ott, President and CEO, PJM (luncheon speaker)
1:00 pm	Governance & President's Report <ul style="list-style-type: none">• Approval of June 2018 Minutes• Approval of 2019 Officers• Bylaws• New Business
1:30 pm	Adjourn

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 10/1/2018 5:51:56 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Oct 1 PRG Energy Update: SCOTUS Fall Launch, ACE Hearing In Chicago, Mercury, Disaster Relief Reform

Friends,

The Ryder Cup offered some riveting golf from Paris, France over the weekend and once again, the home team prevailed. And the NHL season is finally back, and here in Washington (where yes, it seemed a bit shorter this year), we are all looking forward to Wednesday's home opener where the Capitals will raise that first Stanley Cup banner. But before that, I have to make it through a "sweet 16" birthday party for Olivia's best friend in a Cap One Arena suite at Maroon 5. Ouch...

On the policy side, the Supreme Court launches its Fall session today and expect to see a few environmental issues on its plate. It already said it will not review a freeze on uranium mining and will hear its first arguments on a challenge to the reach of the Endangered Species Act.

The President also announced a new trade agreement with Canada late last night. There is still a lot of details to dig through so I expect our trade experts will be able to get into the details tomorrow.

We also have seen several stories about the Trump Administration's effort on mercury – including a story Sunday in the *NY Times* and one today in the *Washington Post*. While the Administration is certainly moving forward on the regulation that received pushback from the SCOTUS in 2015, EPA has not said that it is going to revisit the emissions standards that coal-fired power plants have to meet under MATS, but are reconsidering a separate finding known as the "appropriate and necessary determination." But as many of you know – including my friends in the environmental community, even if EPA reverses the "appropriate and necessary determination," this doesn't mean that the MATS standards would be revoked which for the most part, despite the SCOTUS ruling, have been implemented. Of course, our experts can provide you background info.

Speaking of EPA, today it is hosting the public hearing on its proposed ACE rule, the replacement for the Clean Power Plan, at the Ralph H. Metcalfe Federal Building in Chicago. I have included testimony from the Chamber's Global Energy Institute, ERCC and the rural co-ops below but we are happy to answer any questions or address any misleading charges made by our friends in the environmental community about this rule. What may be most important to remember is the previous Obama CPP rule was stayed by the Supreme Court and was likely going to be illegal.

The Senate is in session this week while the House is not. The Senate is expected to take up a 5-year reauthorization of FAA approved by the House last week that includes the Disaster Recovery Reform Act (DRRA). In light of *Hurricane Florence* this year and last year's challenging storms, the Congress is making much-needed reforms to protect vulnerable communities in the future. DRRA makes the proactive investments America needs to limit the damage these extreme weather events can have and speed our ability to recover and rebuild. MIT expert Jeremy Gregory (jgregory@mit.edu) can tackle the topic. On the hearing side, Senate Energy takes on legislation tomorrow while Senate Commerce handles positive Train controls Wednesday and rural broadband on Thursday (NRECA is a great resource here). Finally, Senate Environment looks at EPA's Science issues on Wednesday afternoon.

Off the Hill, not a lot going on but the Atlantic Festival takes place this week in Washington will feature DOE's Rick Perry, Hillary Clinton, former Secretary of State Kerry and many more. The Energy Policy Institute at the University of Chicago (EPIC) hosts two panels: tomorrow they will host a panel of experts to explore the tension in energy and climate policy between the economically optimal and the politically realistic and Thursday a conversation with CARB head Mary Nichols. Finally, on Thursday, the Atlantic Council Global Energy Center hosts the launch of and discussion about Robert McNally's new book, *Crude Volatility* with panel experts including SAFE's Leslie Hayward and Platts' Brian Schied.

Most importantly, on Wednesday we launch for the 28th annual [Society of Environmental Journalists convention](#) in Flint. It is always a great time to get together and discuss the key environmental/energy political and policy issues we are facing today. Of course, Bracewell hosts its 16th annual SEJ reception on Thursday night and my colleague Jeff Holmstead jumps into the EPA plenary panel on Friday.

Call with questions. Best,

Frank Maisano
(202) 828-5864
c. (202) 997-5932

FRANKLY SPOKEN

“We are all pleased to have reached an agreement and to be moving forward with the construction of Vogtle Units 3 & 4 which is critical to Georgia's energy future. While there have been and will be challenges throughout this process, we remain committed to a constructive relationship with each other and are focused on reducing project risk and fulfilling our commitment to our customers.”

All four of the Vogtle 3 & 4 project co-owners (Georgia Power, Oglethorpe Power, MEAG Power and Dalton Utilities) after voting to continue construction of the two new nuclear units near Waynesboro, Ga.

ON THE POD

Columbia Podcast Talks with Clean Energy Expert – On this edition of Columbia Energy Exchange, host Bill Loveless visits Greentown Labs in Somerville, MA, and meets with its CEO, Dr. Emily Reichert, [to talk about the outlook for clean technology](#) in the U.S. and what programs like hers can do to help entrepreneurs get off the ground. They discuss the pace and scale of clean energy innovation today as well as the investment climate for clean tech and some government programs that aim to help stimulate breakthroughs. Greentown Labs bills itself as the largest clean tech incubator in the U.S., with 100,000 square feet of space and more than 70 startup companies housed in a renovated century-old industrial complex just outside Boston. There, budding companies are building prototypes, developing business plans and taking other steps necessary for commercial success. Areas of focus among the companies include energy generation, distribution and storage; energy-efficient buildings; transportation, agriculture and robotics.

FUN OPINIONS

Grist Talks Disaster Resilience with MIT Expert – Grist featured MIT Researcher Jeremy Gregory in [recent piece asking experts](#) on how we should prepare for a future filled with dangerous storms like Hurricane Florence. Gregory said the key thing is building structures that are not just designed to withstand normal weather events, but built to last longer and withstand more extreme events. “Part of the challenge with that is a lot of structures built a long time ago aren’t adequately prepared to sustain the increasing severity of storms. Gregory added that it’s not even about entirely rebuilding structures. “Sometimes it’s just about making sure that homes have a good connection between the roof and the walls and that you have protection for windows and doors. Because after the wind breaks that pressure seal, then a lot of the damage comes from the water. Gregory says a focus on [quantitative life-cycle costs](#) is an important key.

IN THE NEWS

ACI Report: Cleaning Products Industry Has \$59 Billion Direct Impact on U.S. Economy – The cleaning products industry has a direct impact on the U.S. economy totaling \$59.1 billion, supporting 64,000 jobs and including \$8.3 billion of labor compensation, according to a new report released by the American Cleaning Institute (ACI). The [report](#), prepared for ACI by the Manufacturing Institute’s Center for Manufacturing Research in partnership with Inforum, examines economic data from 2016, the most recent year where full data is available. Approximately 53 percent of total cleaning product sales are from purchases by other industries. The data also show that the total economic impact of the cleaning

products industry – including upstream suppliers and downstream distributors – is \$192 billion in output and encompasses 756,000 jobs.

FAA Reauth Approved in House – The House of Representatives passed a five-year reauthorization of the Federal Aviation Administration (FAA), which includes the Disaster Recovery Reform Act (DRRA). They also passed a one-week extension to give the Senate additional time to complete final passage – which is expected to pass as soon as next week. We will be monitoring it very closely. As it moves to final passage and final approval by President Trump, I hope you will consider exploring the topic for a story and discussing it with our experts at MIT.

Why it is important – Obviously, in light of Hurricane Florence this year and last year’s challenging storms, the Congress is making much-needed reforms to protect vulnerable communities in the future. The Disaster Recovery Reform Act makes the proactive investments America needs to limit the damage these extreme weather events can have and speed our ability to recover and rebuild.

What Disaster Recovery Reform Does – The DRRA seeks to address the rising costs of disasters and reform the federal disaster program to ensure communities are better prepared in the future. DRRA is focused on pre-disaster planning and mitigation. DRRA highlights the importance of building durable evacuation routes and clarifies existing assistance programs to speed up inspections and ensure that a percentage of assistance is dedicated to pre-disaster hazard mitigation. The most important changes to the Stafford Act – which is how we pay disaster assistance – reduces restrictions for mitigation assistance and aims to ensure assistance is provided efficiently. The DRRA also mandates a FEMA guidance enabling cooperation with state and local governments in acquiring “open space” as a mitigation measure.

MIT Is Great Resource to Discuss Disaster Resilience, Rebuilding – As with nearly every issue, we at Bracewell have access to great resources on this topic as you consider covering it. Our friends at the MIT are experts on disaster resilience and recovery and have done significant research on many of the items that will improve how we look at rebuilding from disasters. MIT is already tackling [this part of the extreme weather calculus](#). Jeremy Gregory, executive director of MIT’s Concrete Sustainability Hub (CSHub), is pushing the frontier of academic research into building materials, with implications for policymakers, building designers, communities, and the vulnerable residents of hazard-prone areas.

They also have the MIT-developed [Break-Even Mitigation Percent \(BEMP\)](#) tool which helps community leaders, public officials, building designers and owners make better risk-informed decisions before the disaster hits. You can use the tool to calculate the BEMP for eastern U.S. coastal communities prone to damage from hazards related to hurricanes.

ACE Testimony from Chicago EPA Hearing – With today’s EPA hearing in Chicago, I thought I would forward a few snippets of testimony from some resources.

[Chamber Global Energy Institute](#) – The Chamber Global Energy Institute Heath Knakmuhs told EPA today the ACE proposed rule is a refreshing departure from the dramatic and unlawful expansion of EPA authority that was embodied in the prior administration’s Clean Power Plan (CPP). Quite simply, the CPP was a bad deal for America. It would have driven up electricity costs for businesses, consumers, and families, imposed tens of billions in annual compliance costs, and would have reduced our nation’s global competitiveness.

[ERCC Testimony](#) – The Electric Reliability Coordinating Council says in the absence of legislation from the U.S. Congress to address climate change, market principles are generally the most sound basis upon which to proceed. States are in the best position to judge the inventory of measures available to reduce carbon emissions within their power sectors. That’s consistent with decades of integrated resource planning that takes places at the state level, the shared responsibilities under the Clean Air Act, and the traditional federalism that governs utility regulation in most states. Finally, ERCC’s Josh Zive argued that ACE also will help prevent the New Source Review program from being a barrier to the implementation of efficiency projects.

[NRECA Testimony](#) – The Rural Co-ops Jim Matheson touted the billions of dollars co-ops have invested in power plant development represent an investment in certainty of being able to provide power to consumers on a long-term basis.

The proposed ACE rule provides crucial flexibility so electric co-ops can respond to market conditions, technologies and industry changes at the same time they continue to contribute to the vitality and prosperity of the communities they serve. ACE adheres to the Agency's historic approach of applying section 111d of the Clean Air Act to power plant regulations. It is important to my members that the Agency interpret the law to fully consider the detrimental effects of prematurely closing facilities and causing electricity costs to increase.

Vogtle Project to Continue – The Vogtle nuclear project in Georgia will move forward, its owners said, after they reached an agreement following conditions set by both Southern and Oglethorpe Power Corp. The agreement, disclosed in filings with the Securities and Exchange Commission Wednesday, includes cost overage thresholds that, if exceeded, will require Georgia Power to pay a higher share of costs. It also includes a threshold above which the other owners could seek to be bought out by Georgia Power. The new units are the first to be built in the United States in more than 30 years and the only new nuclear units currently under construction in America. Expected on-line in November 2021 (Unit 3) and November 2022 (Unit 4), the new units are expected to generate enough emission-free electricity to power approximately 500,000 homes and businesses. Vogtle 3 & 4 is the largest jobs-producing construction project in the state of Georgia, employing more than 7,000 workers from across the country, with more than 800 permanent jobs available once the units begin operating. Progress and productivity continue to improve, illustrated by multiple recent achievements such as the placement of the first steam generator and both accumulators – a key component of the AP1000 reactor safety system – inside the Unit 4 containment vessel.

Marathon Closes Andeavor Merger – Marathon Petroleum has closed the transaction in which it acquired all of the outstanding shares of Andeavor. As of this morning, Andeavor ceased to be publicly traded and its common stock discontinued trading on the New York Stock Exchange. Marathon agreed to buy Andeavor in April for \$23 billion to create a refiner that will benefit from access to booming U.S. shale fields and growing U.S. fuel export markets.

ON THE SCHEDULE THIS WEEK

EPA to Host ACE Hearing in Chicago – The EPA will host a single public hearing on its proposed replacement for the Clean Power Plan in Chicago today at the Ralph H. Metcalfe Federal Building. The building is the home of EPA's Region 5 headquarters.

AWEA to Hold Investment Conference – The American Wind Energy Association holds a two-day Wind Energy Finance & Investment Conference - East today and tomorrow at the Roosevelt Hotel in New York City. The event will look at off-take perspectives, the future of U.S. renewable energy, public markets, math behind the declining PTC, tax equity, utility perspectives, M&A outlook, legal perspectives and much more. Attendees will include top bankers, financial leaders, developers, corporate buyers and decision makers slated to gain fresh insights. Key topics include investor timelines, exploring emerging markets for investors and developers, examining how policy impacts wind industry finance, and learning how to maximize growth trends.

Cato Hosts Public Transit Debate – The Cato Institute holds a Capitol Hill forum today on the Federal role in public transit. Cato's Randall O'Toole and Jarrett Walker will debate. They will also hold a second round at Cato tomorrow.

EEl Speaker to Discuss Renewables – Today at 4:00 p.m., Johns Hopkins University ERE's Global Leaders Forum presents a discussion about the surge in US renewable energy consumption. In 2017 for the fourth successive year renewables accounted for more than 50 percent of the new US electric generation capacity additions. Steadily declining costs of wind and solar have been a major factor behind this surge, along with favorable policy support. The speaker, EEl's Lola Infante, will discuss these developments and describe which states are in the lead in expanding renewable sources of electricity as well as the future outlook.

Forum to Kick Off Smart Cities – CompTIA, the Smart Cities Council Policy Task Force, and the Smart Cities Caucus kick off Smart Cities Week – which returns to Washington, D.C. tomorrow to Thursday. This event will feature speakers who will share not only "what's next" on the road to more livable, workable and sustainable smart cities – but also how to get there. Speakers include Rep. Yvette Clarke, Chairperson of the Smart Cities Caucus.

Great Lakes Commission Meeting Set – The Great Lakes Commission holds its annual meeting tomorrow and Wednesday at The Conrad Hotel in downtown Indianapolis, Indiana. The meetings offer an opportunity for Great Lakes stakeholders to convene with colleagues and share perspectives on important Great Lakes issues.

Ideas Forum Set for DC – The Atlantic Council and Aspen Institute are hosting the Atlantic Festival on tomorrow to Thursday at Sidney Harman Hall in DC. DOE Sec. Rick Perry, Hillary Clinton, Atlantic editor Jeffery Goldberg, former Secretary of State Sen. John Kerry and NYT reporter/author Mark Leibovich are among the numerous speakers. In its 10th year, Washington Ideas has become The Atlantic Festival. The conference always includes in-depth interviews with some of today's biggest thinkers and leaders in technology, politics, business and the arts, we will illuminate new ideas, and grapple with the most consequential issues of our time.

CSIS to Look at Nuclear Navy Issues – The Center for Strategic & International Studies and the Naval Historical Foundation host a symposium tomorrow about the history of nuclear power in the U.S. Navy, impacts the commercial nuclear energy industry has on the Navy, and key national security objectives. To discuss the historical context of this connection, the current state of affairs, and U.S. government action moving forward to mitigate the impacts of a declining nuclear power industry on the Navy and national security, CSIS is partnering with the Naval Historical Foundation to host this symposium.

JHU to Look at Clean Energy in Africa – Tomorrow at 10:00 a.m., Johns Hopkins University holds a conversation on access and clean energy in Africa with Andrew Herscowitz, Coordinator of the US Power Africa Program. Herscowitz will interview JHU Professor Johannes Urpelainen,

Senate Energy To Move Legislation – The Senate Energy Committee will hold a legislative hearing tomorrow at 10:00 a.m. on a number of bills including the "Restore Our Parks" Act.

EPIC to Hold Climate Challenge Forum – The Energy Policy Institute at the University of Chicago (EPIC) will host a panel of experts tomorrow at 5:30 p.m. that will explore the tension in energy and climate policy between the economically optimal and the politically realistic. Moderated by Emily Holden, environment reporter for Guardian US, the panel will include Cal-Berkeley's Severin Borenstein, Michael Brune of the Sierra Club and former State Department advisor Trevor Houser. EPIC also holds a Thursday forum with Cal CARB head Mary Nichols moderated by *WaPo's* Juliet Eilperin.

Senate Commerce to Look at Positive Train Control – The Senate Commerce Committee will hold a hearing on Wednesday at 10:00 a.m. on the current status of implementation of positive train control (PTC), anticipated compliance with the statute, and the challenges with efforts to install and operationalize PTC systems. Witnesses FAA Ronald Batory, GAO Susan Fleming, NJ Transit head Kevin Corbett and Amtrak's Scot Naparstek.

TEPCO President to Look at Back at Fukushima – On Wednesday at 12:30 p.m., Johns Hopkins University hosts a forum on the Fukushima Daiichi Nuclear Power Plant accident. Steady progress has been made towards the reconstruction of Fukushima, the repopulation of surrounding areas, and the decommissioning of the plant, for which Tokyo Electric Power Company Holdings (TEPCO) will shoulder ¥16 trillion of the total ¥22 trillion estimated cost. Naomi Hirose, who endeavored to manage the Fukushima incident and spearheaded reform as President of TEPCO from 2012 to 2017, shares his insights into the current situation in Fukushima and elaborates on the implications of and lessons learned from the accident.

Senate Enviro Hearing to Look at EPA Science – The Senate Environment Committee hold a hearing on Wednesday at 2:15 p.m. looking at the EPA's implementation of sound and transparent science. Witnesses will include former Rep. Rush Holt (now AAAS head), University of Massachusetts, Amherst professor Edward Calabrese and Oxford's Robert Hahn.

JHU Looks at Green Finance in China – Johns Hopkins University SAIS Foreign Policy Institute, the Paulson Institute, the China Studies Program, and the Energy, Resources, & Environment Program hosts a forum on Wednesday at 4:30 p.m. on green finance in China.

SEJ in Flint – The Society of Environmental Journalism holds its annual conference on Wednesday to Friday in Flint. Of course, Bracewell hosts its annual event on Thursday night.

Forum to Look at Advanced Energy Tech – The Carbon Utilization Research Council (CURC) and DOE are hosting an Advanced Fossil Energy Technology Showcase Thursday in 902 Hart to highlight the innovation and progress being made to develop advanced, efficient power generation and carbon capture technologies and to convene a dialogue around the value of technology for help us meet our energy needs.

Senate Commerce to Look at Rural Broadband – The Senate Commerce Committee will convene a hearing on Thursday at 10:00 a.m. looking at broadband opportunities and challenges in Rural America. The hearing allows the Committee, as part of its ongoing efforts, to assess the progress of broadband deployment in rural America and continue to explore ways in which closing the digital divide will benefit American jobs and the economy. Witnesses include Godfrey Enjady of the Mescalero Apache Telecom, Golden West Telecommunications CEO Denny Law, Cheyenne River Sioux Tribe Telephone Authority GM Mona Thompson and Grant Spellmeyer of U.S. Cellular. Our friends at NRECA are always a good resource here.

ELI to Look at Waste Issues – Environmental Law Institute hosts a forum on Thursday at 12:00 p.m. on waste issues. Expert panelists will explore the future of American waste, the potential for transformative sustainable innovation, and the regulatory aspects hindering and helping to establish a circular economy. In doing so, the panel will explore the possibilities of designing circular, waste-free economic, legal, and regulatory models to foster a cradle-to-cradle lifespan of material goods. Expert panelists will lead a dialogue on integrating the legal, social, environmental, and economic challenges of meaningful solutions to American waste.

Atlantic Council to Look at Oil Issues – On Thursday at Noon, the Atlantic Council Global Energy Center hosts the launch of and discussion about Robert McNally's new book, *Crude Volatility: The History and the Future of Boom-Bust Oil Prices*. McNally makes sense of how oil became so central to our world and why it is subject to such extreme price fluctuations. After McNally's presentation, there will be an expert panel featuring SAFE's Leslie Hayward and former State Dept Official David Goldwyn. Platts Brian Schied will moderate.

Forum to Look at Utility of Future – Leaders in Energy will host a forum on Thursday evening October 4th at 5:30 p.m. at the US Navy Memorial looking at utilities of the future. Leaders in Energy event, in partnership with Resilient Virginia, will explore questions decarbonization and customer choice as well as examine pathways to a new paradigm for the electric grid. Speakers include EEI's John Caldwell, Cyril Draffin of the MIT Energy Initiative and EDF's Elizabeth Stein.

JHU to Discuss Offshore Wind – The John Hopkins University hosts a conversation on Friday at 12:30 p.m. on offshore wind development. OSW in the US has suffered from fits and starts over the past decade. During this time, Europe has installed 15,780 MW of offshore generating capacity, coming from 4,149 grid-connected turbines in 11 countries. Cumulatively, this represents Euro74.1 Billion (approx. US \$91.8B of investment in the European offshore wind industry. But recent initiatives in several Northeastern states give cause for optimism that this time. Clean energy expert Robert Gurman will address the subject.

NAS Briefing To Feature DOE EM Official – The National Academies of the Sciences hold a web briefing on Friday at 1:00 p.m. featuring DOE EM Assistant Secretary Anne White.

USEA to Look at Colombia Electric Grid – On Friday at 2:00 p.m., the USEA will hold an overview of efforts to incorporate distributed energy resources (DER) onto Colombia's electricity grid. XM, Colombia's system operator, will discuss their recent efforts, future steps, and some ideas gleaned from recent visits to U.S. system operators. With the support of USEA through its Energy Utility Partnership Program under USAID, XM is currently working on a plan to adapt its operating processes to better allow the entry of renewable sources. Carlos Mario Correa and Francisco Gafaro of XM Colombia will give the presentation.

IN THE FUTURE

EPA to Host Meeting on Oil, Gas Wastewater Study – The EPA will host a public meeting on October 9th on an oil and gas wastewater study.

Brookings Forum Will Look at China – Next Tuesday at 10:00 a.m., the Brookings John L. Thornton China Center will convene a panel of experts to discuss China's environmental agenda at the international, national, and subnational levels. Experts will explore the relationship between growth and sustainability within China. They will also examine areas where China and other nations, including the United States, are cooperating to address climate issues through NGOs, think tanks, and regional governments, and where there might be space for expanded partnership. In addition, panelists will consider China's responsibilities for driving global climate action in an era of rising temperatures.

Potential Trump Visit to Iowa – President Donald Trump is expected to visit Council Bluffs, Iowa, next Monday to direct EPA to expand sales of ethanol.

JHU Book Looks at Energy Poverty Trap – Next Tuesday, October 9th at 5:00 p.m., Johns Hopkins University hosts the book launch of Professor Johannes Urpelainen new book on energy poverty. The book is the first comprehensive political science account of energy poverty and explores why governments have or have not been able to lead in providing modern energy to their least advantaged citizens.

ClearPath, EPIC, ACCF host Forum on R&D Investments – On October 10, The Energy Policy Institute at the University of Chicago (EPIC), in partnership with ClearPath and the American Council for Capital Formation, will hosting discussions on lessons gleaned from research and practical experiences. The conversations will provide insight into how to translate research findings into actionable policy and industry approaches that can drive clean energy innovation.

CSIS to Hear Equinor Energy Perspectives – On Wednesday, October 10th at 9:30 a.m., the CSIS Energy and National Security Program will host Eirik Wærness (Equinor) to present Equinor's Energy Perspectives 2018. Energy Perspectives summarizes different narratives about the future of global energy demand and energy mix within the parameters of various scenarios. These scenarios are based on different assumptions about regional and global economic growth, conflict levels, technological development, and energy and climate policies. The 2018 edition adjusts for last year's climate and energy developments, including technological advancements throughout the energy sector. Energy Perspectives is based on models and frameworks that Equinor uses to create long-term analyses of energy markets. The report is intended to foster greater understanding of uncertainty in the long term and what factors may affect this uncertainty.

WAPA Rally Set for VA Countryside – The Washington Automotive Press Association is hosting its 2018 Rally in the Virginia countryside on Thursday, October 11th at Summit Point Motorsports Park. As in the past, attendees will be able to experience a behind-the-wheel test of a large number of new vehicles from many automotive manufacturers. Representatives from the manufacturers will be on hand, so this is a great opportunity to network with them and other members.

CSIS to Host IEA – On Thursday October 11th, the CSIS Energy & National Security Program will David Turk of the International Energy Agency for a presentation and discussion on the IEA's upcoming report, *The Future of Petrochemicals: Towards a more Sustainable Supply of Plastics and Fertilizers*. This new report explores the future role of the petrochemical sector within overall oil demand and the global energy system.

Heritage Forum to Look at Nuclear Partnerships – The Heritage Foundation holds a forum on Thursday, October 11th at 9:00 a.m. to look at the successes of past nuclear partnerships and the need to continue and expand upon these relationships.

Cal Gov Official to Review Climate Summit – On Friday October 12th, the Environmental and Energy Study Institute (EESI) and the Business Council for Sustainable Energy (BCSE) hold a briefing on some of the outcomes of last month's Global Climate Action Summit. The briefing will showcase some of the carbon reduction actions being taken by a wide range of sub-national actors, including states, regions, cities, and companies. The overview of the Global Climate Action Summit will be provided by Dan Carol, Senior Advisor for Infrastructure and Energy, DC Office of CA Governor Jerry

Brown. This will be followed by a discussion panel of sub-national stakeholders from city and state governments, as well as business leaders.

Northam to Headline Offshore AWEA Wind Conference – AWEA will host its annual [Offshore WINDPOWER Conference](#) on October 16th and 17th in Washington DC. Virginia Governor Ralph Northam will speak at this year's Conference, along with Norwegian Energy Minister Kjell Børge Freiberg. Interior's James Bennett and our friends Stephanie McClellan of UDel's Wind Initiative and Bloomberg NEF's Ethan Zindler.

CSIS Looks at Indo-Pacific Clean Energy Transition – The CSIS Energy & National Security program will Host a conversation with Sen. Steve Daines on October 18th

Forum to Look at Wood – In recognition of National Forest Products Week, the Environmental and Energy Study Institute (EESI) hosts a forum on October 23rd on Capitol Hill that discusses an innovative class of structural wood building materials. This briefing will bring together experts to tell the emerging story of the U.S. mass timber industry and how to capitalize on its potential. Speakers will include Sen Angus King.

Shale Insight Set For Pittsburgh – [Shale Insight 2018](#) is set for Pittsburgh on October 23-25. The Marcellus Shale Coalition (MSC) hosts the event along with the Ohio and West Virginia Oil & Natgas Assns. SHALE INSIGHT™ offers insightful pre-conference workshops, technical and public affairs sessions, national keynote addresses, and high-powered networking sessions will provide attendees, sponsors, and exhibitor's unprecedented access to the industry's most influential leaders and innovators. You can see the [agenda HERE](#).

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 10/29/2018 7:30:30 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Oct 29 PRG Energy Update: World Series Marathon Election Cycles

Friends,

Last week was very trying given the tragic events in Pittsburgh Saturday, as well as the bomb scare in Florida and other places. Our hearts and prayers go out to those in Pittsburgh, including our friend and former *WaPo* reporter Cindy Skrzycki who was a member of one of the *Tree of Life* Temple congregations and lives in that neighborhood.

Maybe Halloween on Wednesday will give us a little bit of cheer. Of course, I am already dialed up for "special recipe" pumpkin seeds, my annual Halloween tradition in the PRG office.

Just over a week to go until the midterm elections. There is a lot of activity and we will see how things play out. Please mark your calendars for next Wednesday at 10:00 a.m. when Bracewell's Policy Resolution Group (PRG) will once again offer political and policy analysis of the 2018 midterm elections – an award-winning and insightful mix of webinars, written materials and podcasts. To get a taste of where things are headed, my colleague Scott Segal joined the PRG podcast team Friday to highlight a few key races and preview a few other things we're watching. Also, tune into Sirius XM's Press Pool on Thursday where I'll visit with my friend Julie Mason to discuss the role of the environment in the mid-terms.

Still some events this week: Tomorrow, there will be a great webinar sponsored by the National Institute of Building Sciences (NIBS) and Pew Trust. The webinar will feature the release of the latest Interim Report of the Institute's "Mitigation Saves" multi-year study. The new report builds on the results presented earlier this year that every \$1 invested in disaster mitigation through federal grants saves society \$6 in future disaster costs. These latest results examine the return-on-investment associated with resilient infrastructure related to transportation, electric grid and water systems. A great expert who can tackle many of these issue on cost and ROI is MIT's Jeremy Gregory (jgregory@mit.edu).

Today, activists will be rallying in front of the U.S. Supreme Court in support of *Juliana v U.S.*, the landmark climate lawsuit filed by *Our Children's Trust* that was stayed last week by Chief Justice Roberts. We have long suggested that the courts are an inappropriate mechanism to address a policy issue as complex as climate change. The prospect of a 50-day climate show trial seems inconsistent with core constitutional principles like separation of powers. Perhaps the activists should march a few blocks in either direction to push members of Congress on the issue.

The EPA will close the comment period for its ACE rule on Wednesday so we will have comments for you from utilities and others. And on Friday, my colleague Caitlin Andrews will be the featured speaker at Women's Energy Network (WEN) luncheon forum at API. Caitlin will present some real-world strategies to help people define themselves as issue experts and raise their profiles as industry leaders.

Finally, Congrats to Red Sox Nation, clinching last night's World Series in 5 games. It was a really awesome series including that 18-inning marathon (which turned out to be the only LAD bright spot.) The Red Sox won 108 games beat two AL clubs with 100 and 103 wins to get to the World Series, and then mauled a very good Dodgers team that was in the World Series last year. They have pitching, hitting, speed, defense and the intangible all great teams have - someone always ready to step up. Pretty impressive. Hannah and her Wellesley friends are getting out of class to be at the parade tomorrow, attending her third World Championship parade in last two years.

Congrats to all those who competed in yesterday's Marine Corps Marathon. It is always an exciting and wonderful effort. One week to the New York City Marathon, which rolls off next Monday. Remember, the Queen movie, Bohemian Rhapsody, hits theaters on Friday! If you need insight/perspective on anything, please call with questions. Best,

Frank Maisano
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FRANKLY SPOKEN

“Consumers are speaking loud and clear. These numbers reinforce the need for the Administration to reconsider this decision to allow year-round sale of E15. Voters understand that allowing sale of a fuel that is not designed for nearly 75 percent of cars on the road today puts consumers at risk. American families should not have to be burdened with an unexpected car repair bill because of a fuel that our government essentially pushed into the marketplace against the clear letter of the law.”

API Vice President of Downstream and Industry Operations Frank Macchiarola after API released poll numbers today on Consumer views of E15.

ON THE POD

Segal Talks Energy, Environment in Mid-Terms on PRG Podcast– This week, Scott Segal joins the Bracewell Lobby Shop Podcast to discuss climate change and how it is likely to impact Midterm voting. The episode is now live on [Stitcher](#), [SoundCloud](#), and [Google Play Music](#).

Living On Earth: Dykstra Hits Sports, Endangered Species – With professional baseball, football, hockey and basketball all active this past week, our friend Peter Dykstra [gives Living on Earth](#) Host Steve Curwood an ecological scorecard for the real and sometimes endangered animals that are mascots for professional sports teams. Also, how some late-night comedians are choosing to poke fun at public perceptions of climate change. And an historical note about three grey whales that rose to celebrity status about three decades ago.

FUN OPINIONS

ClearPath: Colorado, NREL Remain Innovation Leader – While Colorado remains a leader in traditional energy production, what is striking is the leadership role the state plays in emerging advanced energy solutions, ClearPath Executive Director Rich Powell and Jon Anderson, director of the Western Way, [note in a new op-ed](#) in the *Denver Post*. Colorado’s position as an advanced energy leader is without question driven by strong, innovative companies that have tapped into the state’s remarkable workforce. But the fountain and foundation of this success in emerging energy markets can be traced to one important place: the National Renewable Energy Laboratory (NREL). Its research has gone far beyond just renewable power to include hybrid energy systems, nuclear deterrence, technologies that can capture carbon emissions from fossil fuel production, airport security and lead-free solder used in welding.

IN THE NEWS

API Says Consumer Reject E15 – The American Petroleum Institute released the results of a [new national poll](#) conducted by Harris Poll, showing that the vast majority of voters are concerned about the Trump administration’s proposal to allow the year-round sale of higher ethanol blended E15 gasoline. Key poll results:

- 79% of voters are concerned about expanded E15 sales and vehicle incompatibility.
- 83% of voters are concerned that consumers could shoulder higher pump prices if service stations are forced to invest in new infrastructure to accommodate certain types of fuels.
- 68% of voters are concerned about consumers mistakenly using E15 and causing damage to their engines.
- 81% of voters are concerned that government requirements could exceed the 10% level of ethanol in the nation’s fuel supply which studies have shown could increase gasoline prices by up to 26 cents per gallon.

The [poll](#) results are posted on the [API website](#).

Gas Study reconciles persistent gap in Methane Emissions Measurements – [A new study](#) offers answers to questions that have puzzled policymakers, researchers and regulatory agencies through decades of inquiry and evolving science: How much total methane, a greenhouse gas, is being emitted from natural gas operations across the U.S.? And why have different estimation methods, applied in various U.S. oil and gas basins, seemed to disagree? The Colorado State University-led study, published Oct. 29 in *Proceedings of the National Academy of Sciences*, resulted from a large, multi-institutional field campaign called the Basin Methane Reconciliation Study. The researchers found that episodic releases of methane that occur mostly during daytime-only maintenance operations, at a few facilities on any given day, may explain why total emissions accountings have not agreed in past analyses. With invaluable assistance from industry partners, the researchers have significantly advanced basin-level emission quantification methods and shed new light on important emissions processes.

"Our study is the first of its kind, in its scope and approach," said Dan Zimmerle, senior author of the PNAS study, and a senior research associate at the CSU Energy Institute. "It utilized concurrent ground and aircraft measurements and on-site operations data, and as a result reduces uncertainties of previous studies."

The Basin Methane Reconciliation Study included scientists from CSU, Colorado School of Mines, University of Colorado Boulder, the National Oceanic and Atmospheric Administration, and the National Renewable Energy Laboratory. Other scientific partners were University of Wyoming, Aerodyne, AECOM, Scientific Aviation and GHD. The field campaign took place in 2015 in the Fayetteville shale gas play of Arkansas' Arkoma Basin.

Study is Part of Coordinated Effort to Measure Emissions – The campaign involved more than 60 researchers making coordinated facility- and device-level measurements of key natural gas emissions sources. The campaign also included a series of aircraft flyovers to collect measurements during the same period when researchers were taking measurements on the ground. The flights took place when meteorological conditions allowed accurate regional emissions estimates. The research team set out to investigate the persistent gap between two widely used methods of estimating methane emissions from natural gas operations. "Bottom-up" estimates, such as those used in the EPA *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, are developed by measuring emissions from a representative sample of devices, scaled up by the number of devices or emission events. In contrast, "top-down" measurements can be performed at a regional scale, such as flying an aircraft upwind and downwind of a study area to derive total emissions from methane entering or leaving a basin. In the past, most aircraft-based, basin-scale emissions estimates have been statistically higher than estimates based on bottom-up accounting.

Significant Hydropower Reform Signed Into Law – Significant hydropower reform became law upon the signing this week of the Water Resources Development Act, including a bipartisan bill from Reps. Richard Hudson (R-N.C.) and Diana DeGette (D-Colo.) that would trim federal reviews of small conduit (or energy-recovery) hydropower projects. Sen. Steve Daines (R-Mont.) pushed similar language in the Senate Energy and Natural Resources Committee. The [Promoting Conduit Hydropower Facilities Act \(H.R. 2786\)](#) aims to aid projects that are typically low environmental impact because they are constructed as part of existing water infrastructure, such as irrigation canals and pipes that deliver water to cities and for industrial and agricultural use, which is one of the most promising untapped sources for new hydropower.

DOE to Launch Water Challenge – The Department of Energy launched the [Water Security Grand Challenge](#), a White House initiated, DOE led framework to advance transformational technology and innovation to meet the global need for safe, secure, and affordable water. Using a coordinated suite of prizes, competitions, early-stage research and development funding opportunities, critical partnerships, and other programs, the Water Security Grand Challenge sets the following goals for the United States to reach by 2030:

1. Launch desalination technologies that deliver cost-competitive clean water
2. Transform the energy sector's produced water from a waste to a resource
3. Achieve near-zero water impact for new thermoelectric power plants, and significantly lower freshwater use intensity within the existing fleet
4. Double resource recovery from municipal wastewater

5. Develop small, modular energy-water systems for urban, rural, tribal, national security, and disaster response settings.

DOE will partner with the U.S. Environmental Protection Agency (EPA) on the Water Security Grand Challenge, and is pursuing additional opportunities to collaborate with other agencies, industry, and stakeholders. In that vein, DOE is hosting a stakeholder workshop today at NREL to gather input from external experts on potential DOE prizes and next steps. As the Challenge matures, DOE expects to continue to bring new partners on board and identify additional prizes and other program contributions.

ON THE SCHEDULE THIS WEEK

Georgetown Groups Host Novelli – This evening at 5:00 p.m., Georgetown’s SFS Centennial Fellowship, Enviro Law, GREEN and IRC are hosting Catherine Novelli, former Under-Secretary of State for Economic Development, Energy and the Environment (2014 - 2017), Apple Inc. VP of Worldwide Government Affairs (2005 - 2013), and School of Foreign Service Centennial Fellow for a "townhall" discussion on business, innovation, environment and international affairs.

NAS to Look at Coral Reefs – The National Academy of Sciences' Ocean Studies Board will hold a [meeting](#) tomorrow at 8:30 a.m. looking at interventions to increase the resilience of Coral Reefs. Discussions at the meeting will explore the advantages and limitations of various decision tools that may be used to evaluate the risks and benefits on implementing novel approaches for improving coral resilience.

Forum to Look at Fissile Material – Tomorrow at 10:30 a.m. in 602 Lindner Family Commons at George Washington University, the Institute for International Science and Technology Policy [will host a briefing](#) and panel discussion on the results of a two-year project on reducing nuclear risks from weapons-usable nuclear material. With generous support from the John D. and Catherine T. MacArthur Foundation, the Fissile Zero Future project identified gaps in governance of weapons-usable nuclear material and explored new norms for closing those gaps in three areas: stockpile transparency for states with nuclear weapons, civil plutonium management and naval nuclear fuel. These three areas have stubbornly resisted legally binding restrictions for decades, but might be amenable to voluntary measures to rein them in. Our panel of experts will discuss the status of risks, potential measures to ameliorate them and practical steps for moving forward.

WCEE Forum to Look at Climate Kids Case – Tomorrow at Noon, the Women’s Council on Energy and the Environment (WCEE) will host [a Lunch & Learn forum](#) featuring a lively dialogue between a lawyer and a reporter who will provide insight into the significance of the *Juliana* case and a discussion of how it fits into the larger landscape of climate lawsuits being brought against governments and corporations in states, cities as well as internationally. Our friend Amanda Reilly of E&E News and Georgetown Law Center’s Ariel Nelson will speak. WCEE also hosts a happy hour that evening at Archipelago.

Building Institute to Look at Infrastructure Resilience – The Pew Charitable Trusts and the National Institute of Building Sciences will host a joint webinar tomorrow at 11:00 a.m. looking at the Business Case for Building Stronger, Smarter Infrastructure. The webinar will feature the release of the latest Interim Report of the Institute’s “Mitigation Saves” multi-year study. The new report builds on the results presented earlier this year that every \$1 invested in disaster mitigation through federal grants saves society \$6 in future disaster costs. These latest results examine the return-on-investment associated with resilient infrastructure related to transportation, electric grid and water systems. Speakers will include Pew’s Forbes Tompkins, Ryan Colker and Philip Schneider the National Institute of Building Sciences and Iowa City Civil Engineer Melissa Clow. [Sign up here.](#)

AEE Hold Election Preview – Advanced Energy Economy experts [weigh in on the impending midterm election](#) and role that energy will play. In ways big and small, the advanced energy industry has much at stake in the upcoming election. In the webinar, AEE’s state and federal policy experts about what to look for in key races around the country. Panelists include Malcolm Woolf, Dylan Reed and J.R. Tolbert.

CO2 Group to Release Paper – Tomorrow at 4:00 p.m. in 485 Russell, the CO2 Coalition will present a panel discussion of its latest White Paper: [Climate Change and Health](#). This study, by Australian physician D. Weston Allen, examines past, present and possible future impacts of climate change on a range of human health areas from nutrition to social and mental health, with insights into energy supplies and sufficiency. The panel discussion will be followed by a question and answer period.

Columbia Energy Forum to Feature IEA – The Columbia University Center on Global Energy Policy will hold a [presentation and discussion](#) of the IEA's Gas 2018 Medium Term Market Report and Global Gas Security Review 2018. The event will feature Jean-Baptiste Dubreuil, Senior Natural Gas Analyst at the International Energy Agency.

Energy Service Companies Meet in Orlando – The National Assn of Energy Service Companies (NAESCO) holds its 35th annual Conference & Vendor Showcase on Wednesday through Friday at the Omni Orlando. You can see the [long list of speakers here](#).

Webinar to Feature Offshore Wind Discussion – E2 will host a [webinar](#) to hear from public and private sector representatives who are working hard to make offshore wind a reality on both of America's coasts. E2 Advocacy Director Grant Carlisle will also discuss the recently released Offshore Wind: Generating Economic Benefits on the East Coast, which analyzes the economic potential of offshore wind up and down the Atlantic Coast.

Forum to Look at Grid Resilience – On Wednesday at 3:30 p.m., [USEA will host a panel](#) on one of the hottest topics in the electric power industry – resilience of the power grid. Resilience is generally defined as increasing the ability of the power system to prevent or mitigate the impact of unusual – in particular catastrophic – events (e.g., storms, fires, earthquakes, cyber and physical attacks). With the increase in the incidence and severity of such events, and with the unquestioned criticality of secure power supplies to our lives, resilience is on the top of many utilities' and regulators' agendas, including a major ongoing proceeding at the FERC. Panelists will include members of NERC, EPRI, UPenn's Kleinmann Center and USEA.

Forum to Look at Energy Storage – EnerKnol and New York University's Institute for Policy Integrity hold a webinar on Thursday looking at energy storage regulation. Topics will include State energy targets, regulatory roadblocks, and other key takeaways. Speakers include our friend at former Bloomberg energy Reporter Jon Crawford, now at EnergyKnol and NYU's Institute for Policy Integrity Energy Policy Director Dr. Burcin Unel.

Forum to Look at Trade – The Washington International Trade Association holds a [discussion](#) on Thursday at 9:00 a.m. on the U.S.-Mexico-Canada-Agreement. The forum will be a deep-dive on investor-state dispute settlement. The American Chemistry Council's Ed Brzytwa and API's Aaron Padilla will be among the speakers.

GW Energy Conference Set – The George Washington University Energy Club hosts a [morning energy conference](#) on Friday looking at the transformation and democratization of energy in Duquès Hall starting at 9:30 a.m.

Georgetown Clean Energy Bootcamp Set – The Clean Energy Leadership Institute, in partnership with the Georgetown Energy Club, will host the second annual [Clean Energy 101 Bootcamp](#) on Saturday. The Clean Energy 101 Bootcamp is designed to give current students, recent graduates, and those interested in pursuing a career in clean energy an introduction to fundamental concepts of clean energy technology, finance, business development and policy. The event will also offer extensive opportunities to network and learn from current professionals about what it means to work in government, industry, advocacy, science, and entrepreneurship roles across the clean energy sector.

IN THE FUTURE

ELECTION DAY – November 6th

BPU Head to Keynote NJ Solar Conference – [SolarWakeup Live!](#) Jersey City will be held on November 6th at White Eagle Hall in Jersey City. New Jersey BPU President Joe Fiordaliso and SEIA President Abby Hopper will headline.

Grid Conference Set for SF – ACORE's Renewable Energy Grid Forum will be held on Thursday November 8th at the Grand Hyatt San Francisco to debate challenges and opportunities presented by new energy market reforms and the evolving grid.

Congress Returns for Post-Election Congressional Session – Wednesday November 14th

Senate Energy to Hear from FERC, DOE Nominees – On Thursday November 15th, the Senate Energy and Natural Resources Committee will hear from FERC nominee Bernard McNamee and Rita Baranwal to head the Department of Energy's Office of Nuclear Energy. Baranwal has extensive and senior nuclear policy experience includes as director of the Gateway for Acceleration Innovation in Nuclear effort housed at Idaho National Laboratory since August 2016. She was previously director of technology development and core engineering/nuclear fuel at Westinghouse Electric and a manager at Bettis Atomic Power Laboratory.

Brookings to Host Sustainable Energy Exec – On November 19th, the Cross-Brookings Initiative on Energy and Climate will host Rachel Kyte, CEO of Sustainable Energy for All, in a discussion facilitated by initiative Co-Chair David G. Victor. The pair will discuss how to provide energy services to the world's poorest and how to encourage the development of greener and more efficient energy systems.

THANKSGIVING DAY – November 22nd

Wilson to Look at Global Water Issues – On November 28th, the Wilson Center along with US AID and the World Wildlife Federation will host a forum taking stock on the 1st year of the 1st U.S. Global Water Strategy. The forum will explore new research and practice on water, peace, and conflict; and highlight the centrality of water to global prosperity. Speakers will include Sen. Chris Coons and many more.

FRANK MAISANO

Senior Principal

Ext. 5864

Policy Resolution Group

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 9/17/2018 7:19:27 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Sep 17 PRG Energy Update: Hurricane Florence, Top Interior Lawyer to Join Bracewell

Friends,

Well, that was an interesting weekend. While I was umpiring my own NCAA games and watching Hannah's in Boston, Hurricane (and now "heavy-rain storm") Florence was battering the Carolinas. We have a full report in a separate section below. I am doing regular reports that include information from Duke, EEI, EIA, NRECA and others, so please let me know if you are interested and I will add you to the list.

Meanwhile, on Friday, lots of movement in the RFS discussion. Ag economist Scott Irwin of the U of Illinois (generally very favorable to the ethanol folks surprised many when he released a [paper](#) that said small refiner exemptions have not had any significant impact of ethanol demand. It echoed another paper also released Friday by Charles River Associates that argued the same point. Finally, Sen Pat Toomey invited EPA chief Andy Wheeler to come to a Pennsylvania refinery. All of this detailed below.

The House is out this week because Wednesday is *Yom Kippur* – which I will "celebrate" by taking my son Adam for his final on-road driving test at the Motor Vehicle Administration in MD. Talk about a Day of Atonement...that is it. Senate is in tomorrow and Thursday and in fact could vote as early as this week on a water infrastructure package that passed the House last week. And don't sleep on the vernal equinox – fall hits on Saturday evening.

Exciting Bracewell News: top Interior Department lawyer Ann Navaro (a Wellesley alumni) [has joined Bracewell's Environmental Strategies Group](#). Navaro has over 25 years of experience working as an attorney and advising senior leadership at federal agencies on environmental and natural resources policies and programs. She has also held senior legal/policy positions at the US Army Corps of Engineers and spent 14 years handling litigation in DOJ's Environment and Natural Resources Division. Navaro has been involved in some of the most challenging and high-profile policy issues and disputes in environmental and natural resources law, including recent policy shifts to streamline federal permitting, oil and gas leasing in Alaska, Asian carp infiltration in the Great Lakes, Clean Water Act 404 actions, offshore royalty disputes, coal mining, hydropower projects, casino development, offshore sonar use, new oil and gas regulations, and federal takings and constitutional challenges. She will be a great resource for you on these issues so let me know if you are interested in connecting with her.

Finally, this is not about energy, but as you know, as a member of the National Press Club, I help promote Club-sponsored events like luncheons, newsmakers, etc. Given recent issues that have supercharged the SCOTUS nomination hearings, I wanted to mention a [great one tomorrow at the Club](#) featuring EMILY'S LIST head Stephanie Schriock, who will discuss the mid-term election, politics and the role of women this fall. The luncheon starts at 12:30 pm, comments start at 1:00 p.m. and I hope you can attend.

Call with questions. Best,

Frank Maisano
 (202) 828-5864
 c. (202) 997-5932

FRANKLY SPOKEN

"Since its creation over a decade ago, the RFS has failed to accomplish the originally-envisioned goals of tangible environmental benefits or improved energy independence. Moreover, the RFS has imposed financial harm on motorists, the broader transportation sector, and domestic oil refiners. To achieve RFS compliance, merchant

refineries must spend millions of dollars each year on Renewable Identification Numbers (RINs), money which would otherwise go toward needed capital investments and the hiring of additional workers. The RFS picks winners and losers amongst sources of energy, and has named merchant refiners, particularly those in the Philadelphia region, the losers."

Senator Pat Toomey in a letter inviting EPA chief Andrew Wheeler to visit Pennsylvania refiners to discuss the RFS.

ON THE POD

Bracewell, Chamber Energy Experts Discuss ACE Rule – With EPA announcing its new public hearing for its ACE rule on October 1st, I am resending a great [Bracewell PRG explainer podcast](#) with Scott Segal of Commerce Global Energy Institute President Karen Harbert and former Assistant Administrator of the EPA for Air and Radiation, Jeff Holmstead. Karen, Scott, and Jeff discuss the EPA's proposed Affordable Clean Energy (ACE) Rule, how it compares to the Clean Power Plan, and more.

FUN OPINIONS

Ag Economist's Paper on Ethanol Demand Causes Waves – U. of Illinois Agricultural Economist Scott Irwin has almost always a supporter of the ethanol industry, but he shook up both sides on Friday with a new paper that undercuts the ethanol industry's long-standing claim that small refiner waivers have hurt demand. Today in [FarmdocDaily](#), Irwin said *"analysis of data on ethanol and gasoline consumption in the U.S. shows there is little if any evidence that the blend rate for ethanol has been reduced by SREs. If there has been any ethanol "demand destruction" to date it was very small, perhaps a drop in the ethanol blend rate of a tenth, which equates to only about 140 million gallons of ethanol consumption on an annual basis."* As he said in a tweet on the info, *"I just as well say it up front. This ain't gonna make me any friends in the corn ethanol industry. But this is what the data tells us to date: Hard to detect any physical demand destruction for ethanol due to small refinery exemptions."*

HURRICANE FLORENCE UPDATE

Florence was downgraded to a tropical depression, but it continues to be a dangerous storm. The threat of catastrophic flooding is real. The storm continues to dump record amounts of rain, and streams and rivers are expected to flood even after the storm has passed.

As of 4:00 p.m. EDT on Sunday, approximately 664,000 customers were without power in North and South Carolina. Power outages will continue to fluctuate as flooding moves on limbs and trees continue to fall. Crews are working around the clock to restore power where it is safe and conditions allow. Impacted **electric companies are reporting that they already have restored power to more than 1 million customers since the storm began.** As the storm progresses, electric companies are reallocating resources strategically to ensure a safe and efficient response.

Other Important Safety Tips for Recovery, Restoration – A few important tips about power restoration and recovery:

- In hard-hit areas, estimated restoration times will be determined after field crews first complete damage assessments. That process could take several days due to road closures caused by severe flooding and storm debris, especially in the coastal areas of both states, limiting travel for crews.
- Never bring a generator indoors, and if rising water threatens your home or you evacuate, turn off your power at the circuit breaker panel or fuse box. Such equipment should be operated only outdoors, and only in well-ventilated areas. Manufacturer instructions should be followed.
- Utilities are asking customers for their patience ahead of what will be a lengthy period of power restoration and recovery from this major storm.

HVACR Units and Flooding – Flooding creates a unique and dangerous power restoration environment. In many cases, crews are not able to gain access to the most heavily damaged and flooded areas until the storm clears and it is deemed safe for them to enter. It is also important for consumers when they return to their homes or businesses. After a flood or storm surge from a hurricane, homeowners must take important safety precautions with regard to their home's heating and cooling systems. A house or basement exposed to standing water or storm surge can damage your home's water heater, furnace, boiler, air-conditioning, ventilation, and heat pump system and put your family at risk. The HVACR industry reminds people how to handle flooding and your home's HVAC systems safely. Here is a full account of things to consider: <http://bit.ly/2rg0xky>

EI Can Help With Process Questions – Should you have any questions about the electric power industry's restoration efforts, our friends at EEI can help with background, historical perspective and details. Their team is closely coordinating with the electric companies impacted by Florence. Check out the [EEI Storm Center here](#) to see important information, details and safety tips. You can contact Brian Reil (breil@eei.org; 508-414-5794) to connect.

EIA Continues to Monitor Power – EIA is monitoring the Hurricane in its [Hurricane Florence Electricity Status Report](#)

Electricity: Load forecasts in the east (CPL, SCEG, SC) show load beginning to recover today as the storm moves west and restoration efforts continue. CPLW and DUK in the west expect lower or similar loads today compared to yesterday.

Generators: Solar generation has declined over the past few days, particularly in CPL and SCEG. Coal and natural gas generation has varied by balancing authority. One of the McGuire nuclear plant's two units shut down beginning Friday night for planned maintenance unrelated to Florence. The Brunswick nuclear plant remains offline as of Saturday night.

Customers: As of 10:52 a.m., about 703,000 customers in North Carolina and about 52,000 customers in South Carolina have reported electricity outages, roughly 14% and 2% of the customers in the states, respectively. Outage numbers are falling in some counties and rising in others as the storm moves inland and restoration is underway.

Sutton Power Station and Coal Ash Ponds – The Sutton Power Station in Wilmington saw a minor storm related water overflow in its coal ash pond. Here are the full details from Duke Officials: <https://news.duke-energy.com/releases/historic-rains-from-hurricane-florence-cause-water-release-at-sutton-power-plant-in-wilmington-n-c>

Release Text:

Historic rains from Hurricane Florence caused the release of stormwater, which may have come into contact with coal ash from a lined landfill, at the company's Sutton Power Plant in Wilmington. Because of the heavy rainfall amounts, it is difficult to calculate the amount of water that may have reached Sutton Lake, the cooling pond that was constructed to support plant operations.

Inspections today identified a slope failure and erosion in one section of the coal ash landfill, which displaced about 2,000 cubic yards of material and would fill about two-thirds of an Olympic-sized swimming pool. The majority of displaced ash was collected in a perimeter ditch and haul road that surrounds the landfill and is on plant property.

Coal ash is non-hazardous, and the company does not believe this incident poses a risk to public health or the environment. The company is conducting environmental sampling as well.

Site personnel are managing the situation and will proceed with a full repair as weather conditions improve.

Ash basins, which are being excavated, and the cooling pond continue to operate safely.

IN THE NEWS

Navaro Joins Bracewell – Bracewell said that Ann D. Navaro has joined its Washington, DC office as a partner in the Environmental Strategies Group. Navaro has over 25 years of experience working as an attorney and advising senior leadership at federal agencies on environmental and natural resources policies and programs. For the last two years, she has held senior positions at the US Department of the Interior, including most recently as Counselor to the Solicitor. In her distinguished career with the federal government, Navaro has worked on a wide range of issues with federal agencies, including litigation, regulation, legislation and the implementation of environmental and natural resources programs. She has held senior legal and policy positions at the US Army Corps of Engineers and the Department of the Interior. Navaro spent 14 years handling litigation in the Environment and Natural Resources Division at the US Department of Justice, as well as 10 years litigating and overseeing civil works litigation for the Army Corps. Navaro has been involved in some of the most challenging and high-profile policy issues and disputes in environmental and natural resources law, including recent policy shifts to streamline federal permitting, oil and gas leasing in Alaska, Asian carp infiltration in the Great Lakes, Clean Water Act 404 actions, offshore royalty disputes, coal mining, hydropower projects, casino development, offshore sonar use, new oil and gas regulations, and federal takings and constitutional challenges. At Bracewell, Navaro will focus her practice in four areas: (1) development projects, (2) regulatory counseling, (3) policy advocacy and (4) government litigation.

Three Reports Undercut Ethanol Demand Destruction Claim – Three reports on Friday said ethanol demand is not being lost and one of them is the work of Agricultural economist Scott Irwin, who usually supports ethanol views.

Irwin Paper – Today in FarmdocDaily, U. Illinois Ag Economist Scott release a paper on SREs and ethanol demand destruction. To date, Irwin says he cannot find much if any drop based on ethanol blend rates. He added there may be E10 ethanol demand destruction with SREs in the future if price of ethanol goes above price of gasoline. SREs have reduced the demand for E15 and E85 but Irwin says it's hard to measure since it is so small, but adds further expansion of the demand for higher ethanol blends is not in the cards so long as SREs are granted (and not reallocated). Irwin said ***“analysis of data on ethanol and gasoline consumption in the U.S. shows there is little if any evidence that the blend rate for ethanol has been reduced by SREs. If there has been any ethanol “demand destruction” to date it was very small, perhaps a drop in the ethanol blend rate of a tenth, which equates to only about 140 million gallons of ethanol consumption on an annual basis.”*** See the full paper with charts here: <https://farmdocdaily.illinois.edu/2018/09/small-refinery-exemptions-and-ethanol-demand-destruction.html>

Charles River Paper – Irwin's views are underscored by another new report released today as well from Charles River Associates that in essence, comes to the same conclusion.

The report from Charles River Associates (CRA), just released, dated September 2018, and entitled, “Economics of Small Refinery Exemptions under the RFS.” You can see the full report here:

Among the noteworthy conclusions of the recent CRA report are the following:

- ***“This report shows that increased SREs and lower ethanol RIN prices have not caused ethanol demand destruction. This is supported by a review of RIN pricing economics and an analysis of ethanol blend rates, which have continued to increase after SRE announcements.”***
- Even outside of the RFS, “There is a significant base level of demand for ethanol blending unrelated to the annual RFS obligations. Drivers of this demand include octane enhancement and serving as oxygenate, as well as direct price competition between ethanol and refined petroleum products.”
- This base level of demand ensures that SREs and normalization of RINs prices have no impact of ethanol demand. Indeed, RINs prices could literally fall to zero without impacting ethanol blend rates.
- CRA continues: “Simply put, changes in D6 RIN prices do not impact ethanol blend rates as long as the RIN price remains above the level needed to support ethanol blending. We demonstrate that actual D6 RIN prices have been above the ‘needed’ RIN prices for the majority of the RFS program’s history. In fact, for the past several months, fuel economics have driven the ‘needed’ RIN price below \$0/RIN.”

The conclusion is clear – “Since D6 RIN prices have remained above the “needed” D6 RIN price, there has been no change in incentives for ethanol blending. This is supported by a review of ethanol volumes and blend rates, both of which have been increasing over time.”

Former EIA Analyst Joanne Shore Finds Similar Issues with Demand – Irwin and CRA’s findings are also backed up by similar, [recent analysis](#) from Joanne Shore, the long-time former chief analyst for fuels and refining issues at the Energy Information Administration. Her September 11, 2018, conclusion:

“The data show that there is no evidence of domestic biofuel demand destruction from RFS waivers to small refiners. Biofuel demand is robust and increasing, likely as a result of what RFA recognizes in its own analysis: the low price of ethanol relative to gasoline. As numerous studies have indicated, ethanol blending will remain economic, even in the absence of a mandate. These facts strongly suggest that both Congress and the administration can take action to control the cost of the RFS and RINs in a manner that protects refining jobs, without adversely impacting the biofuel sector.”

Toomey Issues Invite to EPA Chief – Speaking of ethanol, Sen. Pat Toomey invited the top EPA official Andy Wheeler to visit the oil refineries in the Philadelphia area. In a letter sent to Wheeler, Toomey wrote that the Renewable Fuel Standard (RFS), which is a federal mandate requiring gasoline to contain up to ten percent ethanol, is imposing such high costs on refiners that it threatens local employment and the greater Philadelphia economy. Monroe Energy and Philadelphia Energy Solutions (PES), the largest refining complex on the East Coast, are both located in the Philadelphia area and employ a combined 1,600 people. To comply with the RFS, these two refiners must spend hundreds of millions of dollars annually to acquire so-called RINs. High and unpredictable RIN prices threaten the financial well-being of these facilities and jeopardize their high-paying, blue collar jobs. Earlier this year, PES declared bankruptcy in large part due to the unsustainable compliance costs associated with the RFS.

IER Unveils Green Grant Tracker – The Institute for Energy Research [released](#) a new grant tracker today called “[Big Green, Inc.](#)”, a powerful new research tool that shines a long overdue spotlight on the money that is fueling the massive national environmental lobby. Big Green, Inc. uncovers the scope of the environmental movement’s funding as well as the role this interrelated network of organizations has had on energy policy. Taking the form of a searchable database, Big Green, Inc. tracks 8,821 environmental grants from 2008-2016 adding up to \$3.7 billion. This money flowed from ten left-leaning foundations to over 1,500 environmental activist groups spanning all 50 states. The map allows users to track the funding sources across a variety of dimensions including state and year, and identifies the issue areas for which these organizations received money, for example, climate change advocacy, anti-coal initiatives, and political activism.

Energy Funding Passes – Congress passed the [FY2019 “Minibus” spending bill](#) Thursday. The funding bill address programs for energy and water programs, including clean energy programs at DOE. The Business Council on Sustainable Energy’s **Lisa Jacobson** said “*the market dynamism and innovation we are seeing in the clean energy sector has come as the result of the partnership between the federal government and clean energy industries and from DOE’s world class research, both pure and applied. Congress recognizes this and continues to fund important clean energy programs and to invest in energy research development and deployment that will help to sustain growth in clean energy markets.*” And Clearpath’s **Rich Powell** added “*Congress again sent an undeniable message that lawmakers are serious about keeping the U.S. in the top tier of countries pursuing clean and reliable energy breakthroughs. While steady and sufficient funding is essential, providing important direction and reforms to the DOE to make sure that dollars are well spent is equally vital to spurring energy innovation.*”

House Passed Key Senate Advanced Nuke Legislation – And while they were passing legislation, House approval of the [Nuclear Energy Innovation Capabilities Act](#), which would strengthen partnerships between the private sector and government researchers to test and demonstrate the next generation of clean advanced nuclear reactor concepts. The bill, led by Sens. Michael Crapo (R-Idaho), Sheldon Whitehouse (D-R.I.), Energy and Natural Resources Chairman Lisa Murkowski (R-Alaska) and others, was approved by the Senate in March and now heads to President Trump, who is expected to sign the legislation. NEICA authorizes the development of a versatile neutron source for advanced reactor testing. Many of the promising new reactor designs currently being developed utilize “fast neutrons,” so the test bed

created under NEICA is essential to developing those new fuel designs. A versatile neutron source can also allow accelerated research for all new advanced reactors. It is important to note that this R&D capability is only available for civilian use in Russia, so a domestic U.S. facility is essential to advancing American technologies. *"NEICA will create a strong new foundation for global nuclear innovation leadership. By preparing a test bed for our advanced reactor entrepreneurs, we have thrown down the gauntlet to our Russian and Chinese competitors that the United States will not be out-innovated in the technology we invented,"* ClearPath Action Executive Director **Rich Powell** said.

ON THE SCHEDULE THIS WEEK

Electric Cars on Display on National Mall – National Drive Electric Week launched yesterday in Washington on the National Mall near National Gallery of Art (7th Street, NW) with presentations about electric vehicles and the latest models on the National Mall. There will be more events this week

CSIS Hosts Trade Reps – This afternoon, the CSIS Scholl Chair in International Business is hosting a conversation with six former United States Trade Representatives, who will share wisdom from their own experience and discuss the current global trading system, its institutions, and the prospects for trade in these challenging times. Speakers include Bill Brock, Carla Hills, Micky Kantor, Charlene Barshefsky, Susan Schwab and Ron Kirk.

Forum to Look at Energy Future – The Hoover Institution hosts "MIT-Stanford Energy Game Changers Symposium" tomorrow at 8:45 a.m. Recent progress in energy technology research and development in the United States has been substantial-the past decade has seen dramatic reductions in the costs of emerging technologies alongside similar improvements in energy security and environmental performance. Former US Secretary of State George P. Shultz alongside scientists and engineers from two leading American research universities and DOE national labs will explore the potential for energy "game changers": inexpensive and abundant clean electricity production, affordable grid energy storage at scale, secure electrochemical fuel manufacturing, less intensive fossil energy through carbon capture, and more.

DOE to Host Energy Storage Forum – The U.S. Department of Energy's (DOE) InnovationXLab Energy Storage Summit will take place tomorrow and Wednesday at the SLAC National Accelerator Laboratory in Menlo Park, CA. Energy storage is one of the biggest challenges to unlocking the potential from the next generation of transportation and electricity grid technologies. The Summit will showcase the broad array of technical resources available from across DOE's National Lab complex that can be leveraged by industry to address these challenges.

Senate Enviro to Look at Legislation – The Senate Environment Committee will hold a Business Meeting tomorrow at 9:45 a.m. to consider a bill to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces as well as several other bills.

Heritage Looks at SCOTUS Fall Term – The Heritage Foundation holds a discussion for a Supreme Court Preview of the 2018 Term. The Supreme Court returns October 1st for its 2018-2019 Term, and the justices will tackle a number of important issues. Supreme Court litigators Paul Clement and Joseph Palmore will discuss what is likely to unfold in the next Supreme Court term.

ITIF to Host Clean Energy Forum – The Information Technology & Innovation Foundation will host an expert panel discussion tomorrow at Noon on carbon emissions and clean energy. ITIF Senior Fellow Joe Kennedy, author of the recent report "How Induced Innovation Lowers the Cost of a Carbon Tax," will moderate a discussion on innovation, carbon taxes and clean energy.

Phily Forum to Look at GHG Neutrality – Tomorrow at Noon in Phily, the Kleinman Center Energy Forum hosts an expert look at greenhouse gas neutrality featuring Oliver Geden, a lead author of the IPCC Sixth Assessment Report.

Harder, LeVine Headline Clean Energy Discussion – The Atlantic Council's Global Energy Center will host a lively conversation on the future of energy and the role of innovation and new technologies tomorrow at 1:00 p.m. The discussion will feature three leading minds to shine a light on future energy trends. Steve LeVine, a veteran journalist of

geopolitics and energy and whose most recent book *The Powerhouse* is a deep dive into the race to build a super battery; Akshat Rath, whose award-winning series *The Race to Zero Emissions* masterfully deconstructs the energy technologies our futures need; and Amy Harder, whose weekly column "Harder Line" reports trends, scoops, and news driving the energy and climate debate, will explore future scenarios for the energy sector.

Senate Committee to Look at Infrastructure Cyber Issues – The Senate Armed Services Cybersecurity Subcommittee will hold a closed-door hearing tomorrow at 2:30 p.m. and will feature testimony from senior energy and homeland security officials, including DOE Assistant Secretary for the Office of Electricity Bruce Walker, DHS assistant secretary for cybersecurity and communications Jeanette Manfra and Kenneth Rapuano, assistant secretary for homeland defense and global security at the Defense Department.

WaPo Mooney Headline WRI Forum – Tomorrow at 3:00 p.m., the World Resources Institute will host a major forum in Washington, DC reflecting on the challenging and important topic of carbon removal. Tailored for a policy audience and featuring leading voices in technology, conservation and the environment, the event will tackle the big questions head on – how can carbon removal help in the fight against climate change? What are the different land management and technological approaches, and how can they be brought to scale in a safe and prudent manner? And finally, what practical steps can U.S. policymakers take to foster action? The event will include a presentation on WRI's latest research findings on carbon removal followed by a dynamic panel discussion moderated by Chris Mooney, Climate and Energy Reporter at The Washington Post.

CSIS Will Hold Forum Private Sector Sustainable Development – CSIS will hold a forum on Wednesday at 1:00 p.m. role of the private sector in achieving the sustainable development goals. The private sector provides 9 out of 10 jobs in developing countries and has an important role to play in achieving the SDGs and solving global problems. Many private sector actors support the SDGs and have joined the UN Global Compact. At the Addis Ababa Financing for Development conference in 2015, it became clear that it would take trillions not billions of dollars of financing of all types to achieve the SDGs. Private sector participation is critical to strengthening the economies in developing countries, employing the growing youth bulge in Africa, and solving global challenges like migration.

FERC Meeting – FERC Commissioners will meet on Thursday at 10:00 a.m.

Coal Marketing Days Forum Set for PA – S&P Global Platts 41st Annual Coal Marketing Days Conference is set for the Westin in Pittsburgh, PA. This long-standing event attracts a variety of coal suppliers and buyers, coal transport companies, and industry-wide analysts and investors who exchange in-depth knowledge on the current state of the global and domestic coal-producing markets.

Forum to Look at China Sludge – On Thursday at 9:00 a.m., the Wilson Center will host a forum on urban waste policies, pilots and innovation. Chen Meian will open up discussing the challenges low-carbon cities face in reigning in greenhouse gasses, and how her think tank is creating a platform for innovative, bottom-up, clean energy solutions. One of the most successful sludge-to-energy plants in China is in Xiangyang City in a plant run by Dou Wenlong. Mr. Dou will explain how his company has built partnerships with the local government to turn captured methane into CNG for a local taxi fleet. Liu Jinghao will give an overview of national-level drivers creating opportunities for methane recovery from MSW and sludge in China. Finally, Liu Xiao will tell a story of how one low-carbon city pilot is sparking climate action in the MSW industry. The speakers are in the United States participating in a technical research exchange sponsored by the Global Methane Initiative.

Webinar to Look at Smart Grid Changes – The National Journal hosts a webinar on the changes in the U.S. energy grid on Thursday at 11:00 a.m. From changing energy sources and technological advances to government regulations, this webinar will look at what implications could smart grid technology have for government, regulation, and public policy. National Journal Presentation Center analysts Julianna Bradley, Sean Lambert, and Taryn MacKinney, as well as National Journal Energy Correspondent Brian Dabbs, will speak at this in-depth look at the issues surrounding the state of the U.S. energy grid.

Offshore Wind Forum Set for Norfolk – The [2018 Virginia Offshore Wind Executive Summit](#) will be held on Friday in Norfolk at the Hilton Main. The event brings together the supply-chain business community with federal and state government officials to accelerate Virginia's inclusion of large-scale offshore wind within the state's energy mix. VA Governor Ralph Northam and Orsted North American President Thomas Brostrom, Dominion Energy, Siemens –Gamesa, US Bureau of Ocean Energy and Management and many others will discuss port infrastructure, supply chain procurement and market opportunities.

Forum to Look at Advanced Nuke Test Reactor – The Global American Business Institute will hold a [Capitol Hill briefing](#) on Friday at Noon on the Versatile test reactor. Mr. Donald Wolf – Co-Founder, Chairman of the Board & CEO, ARC Nuclear and Dr. Kemal Pasamehmetoglu – Executive Director, The Versatile Test Reactor, Idaho National Laboratory (INL) will speak.

Heritage to Look at Bloom Energy Challenges – The Heritage Foundation hosts a forum on Friday at Noon featuring University of Delaware Professor and former Delaware State Climatologist David Legates, at a forum on challenges with Delaware's Bloom Energy. Legates has challenges the fuel cell "promise" of inexpensive, clean energy is that it is actually very expensive and not very clean.

Forum to Preview SCOTUS 2018 – On Friday at Noon, the Federalist Society for Law and Public Policy Studies holds another [discussion](#) on "Supreme Court Preview: What Is in Store for October Term 2018. US Solicitor General Noel Francisco will offer opening remarks followed by a panel featuring SCOTUS attorneys John Adams, Tom Goldstein, Jennifer Mascott, and Elizabeth Papez. NBC News Justice Correspondent Pete Williams will moderate.

JHU Forum to Look at Developing World Sustainable Energy Utility – On Friday at 12:30 p.m., Johns Hopkins University [hosts a forum](#) on utility models in the energy sector in meeting global economic, environmental and social challenges. Anmol Vanamali of the Vermont Energy Investment Corporation will discuss the Sustainable Energy Utility (SEU) model. There will also be a panel to discuss the impacts on Delaware.

IN THE FUTURE

Forum to Look at Building Policies – Next Tuesday morning at the US Green Buildings Council, DOE, the Environment, New Buildings Institute and several partners are [hosting the interactive session](#), which aims to stimulate collaboration, highlight leading local buildings and policies, and foster knowledge sharing regarding net-zero energy practice and policy.

Baltic Energy Forum Set – The Jamestown Foundation will [hold a conference](#) on energy security in the wider Baltic region next Tuesday at the University Club. The conference will address the challenge to European security posed by Russia's Nord Stream Two natural gas pipeline project as well as discuss Northern Gate, an alternative energy transit corridor championed by Poland that will open up the region to Norwegian gas supplies and U.S. and international LNG shipments, blunting Gazprom's market monopoly position.

MIT Expert to Talk CCS – The US Energy Assn will [hold a forum](#) on carbon capture next Tuesday at 2:00 p.m. featuring MIT Senior Research Engineer Howard Herzog. Herzog will give an overview of the current state of technology and policy related to Carbon Dioxide Capture and Storage (CCS) and cover seven aspects of CCS: (1) the role of CCS in addressing the climate change challenge, (2) a summary of large CCS projects in operation, (3) the current status and future directions for capture technology, (4) the current status and future directions for storage technology, (5) how to view negative emissions, (6) the policies and politics around CCS, and (7) what the future may hold.

CAFE Public Hearing Set for CA, MI, PA – NHTSA and EPA will hold three public hearings on the revisions to the fuels economy standard. The hearing will occur on Sept 25th in Fresno, Sept 26th in Dearborn MI, and Sept 27th in Pittsburgh.

Clean Energy Week Forum Set – The [2018 National Clean Energy Week Policy Makers Symposium](#) will be held on Wednesday at the National Press Club Ballroom. Speakers include Secretary of Energy Rick Perry, EPA Acting

Administrator Andrew Wheeler, Secretary of the Interior Ryan Zinke, FERC Commissioner Neil Chatterjee, Sen. Martin Heinrich, Daines and Murkowski and many more.

Forum to Look at Energy Cybersecurity – RealClearPolitics will hold a forum on energy cybersecurity Wednesday September 26th at 8:00 a.m. at the Newseum. The keynote speaker is Rep. Henry Cuellar of Texas and INGAA's Don Santa and AGA's Dave McCurdy will speak.

Forum to Look at Transportation – The Alliance to Save Energy's 50x50 Commission will hold an event Wednesday, September 26th at 8:30 a.m. in 2255 Rayburn to roll out a new alliance that will unveil its full suite of policy recommendations on Capitol Hill to encourage policymakers to better prepare for the coming transformation. The Commission is a group of business, government, and civil society leaders that has been working to develop a pathway to capitalize on the opportunities of a rapidly changing industry by setting an ambitious goal of cutting the U.S. transportation sector's energy use by 50% by 2050 while meeting future mobility needs. The Commission will unveil. Keynote speakers will include Rep. Debbie Dingell (D-MI) and Pittsburgh Mayor William Peduto. The event looks at the key shifts in the industry, why their organization is participating in the Commission, and the importance of cohesive policies in securing the Commission's vision of the transportation future.

Border Energy Forum Set for San Antonio – The North American Development Bank (NADB) will host the XXIII Border Energy Forum in San Antonio on September 26th and 27th at the Hilton San Antonio. This forum brings together local and state officials, private sector developers, academics, large commercial users, and energy experts from the U.S. and Mexico. NADB's unique position as the only U.S.-Mexico binational development bank, has provided the Bank the opportunity to be involved in some of the most relevant clean energy projects developed in the last five years in the region. NADB has financed close to \$1.5 billion for 35 projects with total costs of \$5.2 billion. Roughly, 2,548 MW of new generation capacity is being installed along the border. The forum will center the dialogue on energy prosperity, innovation, financing, the future of energy markets, and crossborder opportunities along the U.S.-Mexico border, and how to continue building partnerships to advance both countries energy goals that ultimately improve economic development and protect the environment.

Forum to Look at Cyber Resilience – The US Energy Assn will hold a forum on Thursday, September 27th at 10:00 a.m. on cyber resilience in the energy sector. Speakers from Marsh & McLennan Companies will present, including Paul Mee, North America Cyber Lead, Oliver Wyman, and Matt McCabe, Assistant General Counsel on Cyber Policy, will discuss how they work with companies in the energy sector to prevent, protect against, mitigate, respond to, and recover from cyber-attacks, thus helping them build true cyber resilience.

Forum to Look at Carbon Tax Study – REMI will host a carbon tax discussion at its Washington, DC policy luncheon on Thursday September 27th with guest presenter Scott Nystrom, a Director at FTI Consulting, Inc. Alliance for Market Solutions commissioned FTI Consulting to evaluate the economic, fiscal and emission effects of a national revenue-neutral carbon tax. The study's authors applied this tax at the point of extraction or import, and simulated the implications of raising the cost of fossil fuels on the national, state, and industry levels. Nystrom, a co-author on the report, will review the proposal and the potential implications for the U.S. and state economies and major industries. He will also describe the methodologies behind the analysis of a revenue-neutral carbon tax.

Conservatives to Discuss Nuclear – Experts from the Breakthrough Institute, The Heritage Foundation, the ClearPath Foundation and R Street will hold a forum on Thursday September 27th at 3:00 p.m. looking at innovation and reform to the nuclear industry. After many years of failed attempts, a new path to an economically competitive domestic nuclear industry is close at hand. Nuclear micro-reactors (10 MW and smaller) allow for safe operation with radically simplified designs, making the case for far-reaching licensing and regulatory reform much stronger. Policy elements needed for a better future include licensing reforms at the Nuclear Regulatory Commission, extending the duration of federal purchase power agreements, and supporting construction of new fast reactors and advanced nuclear fuels.

Group to Honor Clean Energy Champs – On Thursday, September 27th at 5:00 p.m. at the Capitol Hill Club, Citizens for Responsible Energy Solutions (CRES) will recognize its 2018 Clean Energy Champions. They include Sens. Lisa Murkowski

(R-AK) and Tim Scott (R-SC), Reps Elise Stefanik (R-NY) and Tom Reed (R-NY) and Govs. Larry Hogan (R-MD) and Gary Herbert (R-UT).

EPA to Host ACE Hearing in Chicago – The EPA will host a single public hearing on its proposed replacement for the Clean Power Plan in Chicago on Monday October 1st at the Ralph H. Metcalfe Federal Building. The building is the home of EPA's Region 5 headquarters.

Cato Hosts Public Transit Debate – On Monday October 1st, the Cato Institute holds a Capitol Hill forum on the Federal role in public transit. Cato's Randall O'Toole and Jarrett Walker will debate.

Ideas Forum Set for DC – The Atlantic Council and Aspen Institute are hosting the Atlantic Festival on October 2-4th at Sidney Harman Hall in DC. Atlantic editor Jeffery Goldberg, former Secretary of State Sen. John Kerry and NYT reporter/author Mark Leibovich are among the numerous speakers. In its 10th year, Washington Ideas has become The Atlantic Festival. The conference always includes in-depth interviews with some of today's biggest thinkers and leaders in technology, politics, business and the arts, we will illuminate new ideas, and grapple with the most consequential issues of our time.

SEJ in Flint – The Society of Environmental Journalism holds its annual conference on October 3-6th in Flint. Of course, Bracewell hosts its annual event on Thursday October 4th.

ClearPath, EPIC, ACCF host Forum on R&D Investments – On October 10, The Energy Policy Institute at the University of Chicago (EPIC), in partnership with ClearPath and the American Council for Capital Formation, will hosting discussions on lessons gleaned from research and practical experiences. The conversations will provide insight into how to translate research findings into actionable policy and industry approaches that can drive clean energy innovation.

Forum to Look at Wood – In recognition of National Forest Products Week, the Environmental and Energy Study Institute (EESI) hosts an innovative class of structural wood building materials. This briefing will bring together experts to tell the emerging story of the U.S. mass timber industry and how to capitalize on its potential. Speakers will include Sen Angus King.

Shale Insight Set For Pittsburgh – Shale Insight 2018 is set for Pittsburgh on October 23-25. The Marcellus Shale Coalition (MSC) hosts the event along with the Ohio and West Virginia Oil & Natgas Assns. SHALE INSIGHT™ offers insightful pre-conference workshops, technical and public affairs sessions, national keynote addresses, and high-powered networking sessions will provide attendees, sponsors, and exhibitor's unprecedented access to the industry's most influential leaders and innovators. You can see the agenda HERE.

Message

From: Michelle Bloodworth [mbloodworth@americaspower.org]
Sent: 11/13/2018 4:17:40 PM
To: Michelle Bloodworth [mbloodworth@americaspower.org]
Subject: America's Power (ACCCE Paper) - EPA Rules Should Consider Reliability Impacts - Response to Chairman Chatterjee's comments on the ACE Rule
Attachments: EPA Rules Should Consider Reliability Impacts.pdf

Attached is a new ACCCE [blog](#) highlighting FERC Chairman Neil Chatterjee's recent comments on the EPA's proposal to repeal the Clean Power Plan (CPP). Chairman Chatterjee highlighted the overlap and potential conflict between *environmental* regulations and *electricity* policy. Chairman Chatterjee makes a compelling point that when EPA is considering a regulatory action that could affect the resilience and reliability of the electricity grid the experts who are responsible for keeping the lights on should be an integral part of the analysis and discussion. The Chairman's letter also highlights concerns with the potential retirement of fuel-secure coal plants and we believe risk to the resilience of the electricity grid.

ACCCE supports Chairman Chatterjee's remarks and hopes the EPA takes his advice seriously.

Read more [here](#).

Please let us know if you have questions.

Michelle Bloodworth

President and CEO

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EPA RULES SHOULD CONSIDER RELIABILITY IMPACTS

By Michelle Bloodworth and Paul Bailey

FERC Chairman Neil Chatterjee filed some interesting comments recently with EPA regarding the agency's proposal to repeal the Obama-era Clean Power Plan.ⁱ His comments made several points having to do with the increasing overlap and potential conflict between environmental regulations and electricity policy. One of his points bolsters the case for repealing and replacing the Clean Power Plan; another would improve future EPA rulemakings and help ensure the lights stay on.

Chatterjee —

"I am concerned that significant changes in the power sector have occurred since 2015 that would make the reliability of the nation's bulk power system even more susceptible to unintended consequences should the Clean Power Plan ultimately be implemented ... [and I am] concerned that additional generation capacity retirements brought about by the implementation of the Clean Power Plan could compound the challenges raised in [FERC resilience proceedings]."

Prior to promulgation of the Clean Power Plan in 2015, there were numerous warnings about the potential impacts of the rule on the reliability of the nation's bulk power system. Chatterjee's letter highlights some of those warnings that were based on the expected retirement of coal-fired power plants as a result of the rule. For example, ACCCE analysis for ACCCE projected that as much as 47,000 MW of coal-fired generation (roughly 15 percent of the nation's coal fleet) could have been forced to retire prematurely because of the Clean Power Plan.ⁱⁱ

Since that time, concerns about the retirement of baseload power plants have grown, not diminished, because 40 percent of the coal fleet has retired or announced plans to retire. In light of these concerns, Chairman Chatterjee's letter urges EPA to "engage in a rigorous, detailed analysis" of the Clean Power Plan and consider comments that FERC received from NERC, grid operators and others about the potential impact of the Clean Power Plan on grid reliability. On the other hand, Chatterjee writes that the proposed Affordable Clean Energy rule "appears ... to cure some of the potential deficiencies in the Clean Power Plan."

Chatterjee —

“... the Clean Power Plan would have allowed [EPA] to impose sweeping changes in the composition of the nation’s bulk power system through administrative action without a clear statutory directive or limiting principle.” EPA’s “exercise of delegated authority under the Clean Air Act ... strongly affects [FERC’s] exercise of delegated authority under the Federal Power Act.”

In his letter, the FERC chairman notes that “any regulatory promulgation that will have profound effects on the bulk-power system should be supported by a detailed engineering-driven analysis of its impact on the scale or pace of generation retirements, the feasibility of sufficient replacement capacity, and any changes to the transmission infrastructure that may be required to sustain reliability as a result of those changes.” In other words, when the EPA is considering a regulatory action that could affect the resilience and reliability of the electricity grid, experts at FERC, NERC, ISO/RTOs, and other stakeholders that are responsible for keeping the lights on should be an integral part of the analysis and discussion.

Let’s hope EPA takes the sound advice of the FERC chairman.

ⁱ Letter to EPA Acting Administrator Wheeler “Re: Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program.” Office of the Chairman, Federal Energy Regulatory Commission, October 31, 2018.

ⁱⁱ “Energy and Consumer Impacts of EPA’s Clean Power Plan,” NERA Economic Consulting, November 6, 2015. Because of considerable uncertainty as to how states might implement the Clean Power Plan, NERA modeled four possible implementation scenarios. Coal retirements through 2033 were projected to range from 41,000 MW to 47,000 MW.

Message

From: Paul Bailey [pbailey@americaspower.org]
Sent: 11/13/2018 11:13:59 AM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]
Subject: ACCCE Board Meeting Tomorrow
Attachments: Final Board Agenda Nov 8.pdf

Agenda attached. See you tomorrow and thanks again.

Paul Bailey

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Message

From: Lisa Bucher [LBucher@AWMA.ORG]
Sent: 8/1/2018 6:22:30 PM
To: DeLuca, Isabel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b021c30cbee4637a7c7ca683e5e044a-IDELUCA]; jkinsman@eei.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df37c7710f3f45c18acc469a272eb78a-jkinsman@eei.org]
CC: Millett, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c067caa6c93544f78c26ab08cc567d27-Millett, John]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Teresa Raine [Tree.Raine@erm.com]; Nancy Bernheisel [NBernheisel@AWMA.ORG]
Subject: RE: AWMA journal (EM) article -- EM Plus Magazine, Q3 2018 -- EPA OAR Priorities (wehrum) -- Review Comments and Publication Decision -- Deadline: August 7
Attachments: wehrum.pdf; wehrum_review1.pdf; wehrum_review2.pdf; wehrum_review3.pdf
Importance: High

Dear Isabel:

I am pleased to inform you that Bill Wehrum's article has been accepted for publication in the third-quarter 2018 issue of *EM Plus* Magazine, pending minor pending revision, as detailed by our reviewers (please see the article evaluations attached to this e-mail as .pdfs). We ask that you consider all of the review comments when revising and resubmitting the article for publication.

Please submit the **FINAL** version of the article for publication **by no later than 12:00 p.m. Eastern on August 7, 2018**. This deadline has been established to help staff meet the publishing deadlines for the Q3 2018 issue.

****Please let me know immediately if you will be unable to meet this deadline.****

Note that all major revisions to the text should be made at this stage. Only crucial revisions (e.g., typos, key technical errors, time-sensitive edits) can be made once the article has been laid out into page proofs in order to avoid text re-flow from page to page. Please visit <http://www.awma.org/emguidelines> to read *EM*'s author guidelines for questions regarding style, formatting, and so forth.

Please let me know if you have any questions. We look forward to receiving the article for publication in *EM Plus*.

Sincerely,
 Lisa Bucher
 Managing Editor
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 ♻ Please consider the environment before printing this e-mail

From: DeLuca, Isabel [mailto:DeLuca.Isabel@epa.gov]
Sent: Monday, July 23, 2018 10:17 AM
To: jkinsman@eei.org; Lisa Bucher <LBucher@AWMA.ORG>
Cc: Millett, John <Millett.John@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: AWMA journal (EM) article

Hi John,

Attached, at long last, is the draft article by Bill Wehrum on OAR priorities. Please let us know if you have questions, suggestions, or concerns!

Many thanks,
Isabel

Isabel DeLuca
Deputy Director of Communications
Office of Air and Radiation, US EPA
(202) 343-9247

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Priorities for the Environmental Protection Agency's Office of Air and Radiation

By William Wehrum, Assistant Administrator for Air and Radiation, U.S. EPA

Many people believe that industry can't grow without harming the environment, but EPA is constantly monitoring air quality trends, and we know that just isn't true. Between 1970 and 2016, as America's GDP grew by more than 250 percent, the combined emissions of the six most prevalent pollutants fell by 73 percent. This is a remarkable accomplishment that we expect to continue in the future.

Of course, we can always do better. Ground-level ozone and fine particle pollution have decreased over the years, but we still need to do more. Ultimately, our job is to work with our partners – states, local governments, tribes, and citizens – to ensure healthy air for everyone. That is the core of my job as assistant administrator, and I take it very seriously.

I am pleased to be back at EPA and to have the unique opportunity to lead the air office for a second time. My goal here is to implement our programs as effectively and efficiently as possible. I have established six priorities for the Office of Air & Radiation. We have our work cut out for us, but I am confident we will get it done.

Clean Power Plan

On October 16, 2017, the Administrator proposed the rescission of the Clean Power Plan (CPP). For decades, EPA rules issued under Section 111 of the Clean Air Act have been based on measures that could be applied to, for, and at a particular facility. These are also referred to as "inside the fence line" measures. Before the CPP, every single Section 111 rule on the books obeyed this limit.

The CPP, on the other hand, differs from this practice and was premised on a novel and expansive view of agency authority. We have proposed to determine that the CPP approach is inconsistent with the Clean Air Act.

We don't take the proposed repeal lightly. We know there are a lot of different views out there, which is why we went out of our way to hold a public hearing in West Virginia followed by listening sessions in three very different cities – Kansas City, MO, San Francisco, CA, and Gillette, WY.

Concurrently, we have issued an Advanced Notice of Proposed Rulemaking that solicited information on systems of emission reduction that could be implemented in accord with the legal interpretation in the proposed CPP repeal. We also have sought information on achieving the right balance between federal and state authority under this part of the Act.

We estimate that repealing and possibly replacing the CPP could lead to billions of dollars in cost savings in 2030. That is money that could go to innovation, to the creation of new jobs, and to improved salaries and benefits for Americans.

Mobile Sources

One of the key areas of focus for the transportation sector is the national program for greenhouse gas emissions standards and fuel economy standards for passenger cars and light-duty trucks. In April of 2018, after an extensive reconsideration of the Final Determination of the Mid-term Evaluation of GHG Standards for Model Year 2022-2025 light-duty vehicles, Administrator Pruitt announced that these standards were not appropriate in light of the record before EPA and, therefore, should be revised. EPA,

in close coordination with the Department of Transportation's National Highway Transportation Safety Administration, will be seeking comment on proposed revisions to these standards.

In the development of these revised standards and during the notice-and-comment process, EPA will be hearing from key stakeholders, including the automotive industry and states like California. As a result, we expect that any final revisions will reflect EPA's mission to protect the environment and health, avoiding any undue burdens on consumers or manufacturers.

National Ambient Air Quality Standards under the Clean Air Act

Our Office is also working to reform the process for setting and implementing National Ambient Air Quality Standards (NAAQS). Following implementation of a number of increasingly stringent NAAQS that have been set near background levels, EPA has a unique opportunity to make meaningful change to the program to ensure a timely, efficient, and transparent process. EPA's efforts are informed by statutory requirements in the Clean Air Act, many of which have been ignored previously, as well as President Trump's April 2018 memorandum, *Promoting Domestic Manufacturing and Job Creation – Policies and Procedures Related to Implementation of Air Quality Standards*, and the May 2018 EPA memorandum, *Back-to-Basics Process for Reviewing NAAQS*.

In accordance with this Administration priority, EPA is evaluating recent NAAQS through the lens of promoting regulatory reform, cooperative federalism, and domestic manufacturing. We are committed to carrying out key reforms to the NAAQS-setting process. These changes include: meeting statutory deadlines (including preparation to finalize any necessary revisions to the ozone and particulate matter NAAQS by late 2020); streamlining the scientific advisory process; clearly differentiating between science and policy considerations consistent with the Act; and issuing implementations tools swiftly after any NAAQS revision. EPA is also committed, including through our FY2018 – FY2022 Strategic Plan, to timely processing of state implementation plans, preconstruction permit applications, and state and local petitions or demonstrations for NAAQS regulatory relief. These changes will help get more areas in the country in attainment with the NAAQS while also supporting state and local resources and robust economic activity.

New Source Review Permitting Reform

In accordance with the President's goal to streamline permitting requirements for manufacturing facilities, EPA has initiated an effort to issue a series of targeted improvements, including guidance memos and, as necessary, associated rulemakings, to simplify the New Source Review (NSR) process in manner consistent with the Clean Air Act.

We have recently highlighted flexibilities in the NSR regulations available to manufacturing facilities for the permitting of new projects. Two recent memos, for example, clarified that project emissions accounting can take place in the first step of the NSR applicability process for all project categories and that EPA will not "second guess" preconstruction analysis that complies with procedural requirements. Based on the recommendations of a number of state environmental agencies as well as small businesses, EPA has also revised its "once-in, always-in" policy so that facilities may be reclassified from "major source" to "area source" if they permanently reduce their potential to emit hazardous pollutants. These actions will facilitate significant environmental improvements and pollution preventing, while saving time and money.

Oil and Gas New Source Performance Standards

Another priority area to review is the Agency's Oil and Gas New Source Performance Standards. Last summer, EPA granted reconsideration of some specific requirements under the 2016 New Source Performance Standards, and indicated that we would also look broadly at the entire rule, including the rule's focus on methane as well as a number of technical issues like monitoring frequency for low production wells. EPA plans to issue proposals for public review and comment later this year.

Mercury and Air Toxics Standards

Finally, we are looking at the 2011 Mercury and Air Toxics Standards (MATS). Currently, MATS is in place for affected coal and oil-fired power plants. EPA fully recognizes that key investments have been made under MATS. There are, however, outstanding challenges to the final rule that need to be addressed as well as key methodological questions raised by the U.S. Supreme Court. We are taking a close look at the issues they raised, including the appropriate and necessary determination, and the treatment of units that burn waste coal.

Conclusion

In addition to the day-to-day work of the Office of Air and Radiation, which includes close collaboration with our state, local, and tribal partners on dozens of actions a week, we believe addressing these six priority areas will provide regulatory certainty and improve environmental outcomes. Our goal, working closely with the members of A&WMA, is to move the ball forward on safeguarding our air and environment for all Americans.

EM ARTICLE EVALUATION FORM**Article Title:** "Priorities for the Environmental Protection Agency's Office of Air and Radiation"**Author(s):** Bill Wehrum**Reviewer:** [name withheld]**Article Evaluation:**

Your comments should address the article's originality, technical quality, and clarity of presentation. Please consider the following questions in your evaluation:

1. Is this a timely topic? **Yes**
2. Is the article compelling and interesting to *EM* readers? If the article is a case study, has the author appropriately identified general lessons that readers can take away from the case study? **Yes**
3. Is the article written in a professional and clear manner (i.e., introduction, main argument/discussion, conclusion)? **Yes**
4. Has the author avoided self-promotion and sensationalism? **He is presenting EPA's position**
5. Is the information accurate and up to date? Does it reflect an awareness of other relevant work? **Yes**
6. Does the opening of the article clearly identify to readers unfamiliar with the topic why they should care about the article, and what information they should expect to draw from it (e.g., new information, relatively detailed information for those familiar with the topic, or a high-level summary of information for those relatively unfamiliar with the topic)? **Yes**
7. Is the wording of the article geared toward an audience of environmental professionals with a wide variety of backgrounds, rather than specialists in a specific area? (Even articles on narrow topics should be structured to appeal to the widest possible audience.) **Yes**

General Comments:

If no counter point is published in the same issue it would seem to be very important for the Editor to invite comments in the form of letters to the editor.

Summary Recommendation:

☒ **Publish with minor or no revision**

☐ Publish with major revision

☐ Do not publish

☐ Check this box if you wish to review the revised article before acceptance

Please submit article evaluation by e-mail to:

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Note: More detailed or specific comments may be listed in a separate document or marked on a hard copy of the article and sent by fax or e-mail to the Managing Editor.

Article Title: Priorities for the Environmental Protection Agency's Office of Air and Radiation

Author(s): Wehrum

Reviewer: [name withheld]

Article Evaluation:

Your comments should address the article's originality, technical quality, and clarity of presentation. Please consider the following questions in your evaluation:

1. Is this a timely topic? **YES**
2. Is the article compelling and interesting to *EM* readers? If the article is a case study, has the author appropriately identified general lessons that readers can take away from the case study? **YES**
3. Is the article written in a professional and clear manner (i.e., introduction, main argument/discussion, conclusion)? **YES**
4. Has the author avoided self-promotion and sensationalism? **YES**
5. Is the information accurate and up to date? Does it reflect an awareness of other relevant work? **YES**
6. Does the opening of the article clearly identify to readers unfamiliar with the topic why they should care about the article, and what information they should expect to draw from it (e.g., new information, relatively detailed information for those familiar with the topic, or a high-level summary of information for those relatively unfamiliar with the topic)? **YES**
7. Is the wording of the article geared toward an audience of environmental professionals with a wide variety of backgrounds, rather than specialists in a specific area? (Even articles on narrow topics should be structured to appeal to the widest possible audience.) **GENERALLY**

General Comments:

Following are some possible minor wording changes:

- page 1, par. 1 - if use "industry" change to "industrial, energy and transportation sectors"
- page 1, par. 1 - write out U.S. Environmental Protection Agency since this publication goes outside the U.S.
- page 1, par. 1 - after the reference to emissions, why not a reference to the new air quality trends data just released?
- page 1, par. 2 - add "regulated entities" to the list of partners?
- page 1, par. 7 - add "current" before "legal interpretation"
- page 1, par. 8 - how about "possibly replacing the CPP could" also "and provide certainty, being soundly grounded in the CAA"
- page 2 - remove "under the Clean Air Act" after "National Ambient Air Quality Standards" in the heading
- page 2 - define cooperative federalism (I doubt all readers will understand this, especially those outside the U.S.)
- page 2 - remove "Reform" after "New Source Review Permitting" unless you elaborate similarly in all the headings

- page 2, last par., line 7 - fix "theirs"
- page 3, second par. - "coal-"
- page 3, second par. - change "under MATS" to "under MATS and substantial emissions reductions achieved"
- page 3, second par. - change "they raised" to "raised by the Court"

Summary Recommendation:

XX ☒ **Publish with minor or no revision**

☐ Publish with major revision

☐ Do not publish

☐ Check this box if you wish to review the revised article before acceptance

Please submit article evaluation by e-mail to:

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Note: More detailed or specific comments may be listed in a separate document or marked on a hard copy of the article and sent by fax or e-mail to the Managing Editor.

EM ARTICLE EVALUATION FORM

Thank you for agreeing to review this article by the deadline.

All articles submitted to *EM*, including invited articles, are subject to review, and revisions may be requested. Articles may be rejected upon advice of reviewers at the discretion of the Editors or Editorial Advisory Committee Chair.

To maintain the quality and consistency of *EM* contents, we have developed this form to help our volunteer reviewers assess and rate articles according to a uniform set of standards. This form is meant to assist, not restrict, your evaluation of the article; if you have additional comments, please submit them along with this completed form.

About EM

EM is the primary membership magazine of the Air & Waste Management Association, read by approximately 10,000 environmental professionals each month. Given the breadth of A&WMA membership, *EM* seeks to provide timely, readable, useful, and accurate articles on a range of key issues affecting environmental professionals in industry, government, consulting, and academia. Rather than original research papers, *EM* articles provide insight and analysis of issues in a timely manner for the benefit of its readers. It is important to note that *EM* does not promote an agenda of any kind; instead it provides a neutral forum for open discussion by all interested parties.

For more information, visit www.awma.org.

Article Title: Priorities for the EPA Office of Air and Radiation

Author(s): William Wehrum

Reviewer: [name withheld]

Article Evaluation:

Your comments should address the article's originality, technical quality, and clarity of presentation. Please consider the following questions in your evaluation:

1. Is this a timely topic? Yes, involves current priorities and recent updates to rules
2. Is the article compelling and interesting to *EM* readers? If the article is a case study, has the author appropriately identified general lessons that readers can take away from the case study? Yes
3. Is the article written in a professional and clear manner (i.e., introduction, main argument/discussion, conclusion)? Yes – introductory 3 paragraphs may be a bit wordy.
4. Has the author avoided self-promotion and sensationalism? Yes
5. Is the information accurate and up to date? Does it reflect an awareness of other relevant work? Yes
6. Does the opening of the article clearly identify to readers unfamiliar with the topic why they should care about the article, and what information they should expect to draw from it (e.g., new information, relatively detailed information for those familiar with the topic, or a high-level summary of information for those relatively unfamiliar with the topic)? Consider opening article with a specific statement on the agency office goal. There is some background on emissions reductions, but article is really about the projects/issues that are in process for the current and future, and not a statistical review on emissions reductions.
7. Is the wording of the article geared toward an audience of environmental professionals with a wide variety of backgrounds, rather than specialists in a specific area? (Even articles on narrow topics should be structured to appeal to the widest possible audience.) Yes

General Comments:

It is a difficult subject to handle Trump political philosophy changes without having a "one side" argument, so this article does well to avoid that. One potential contradiction to some environmental readers is the (simplified) implication that: emissions have been going down, but the programs in place that got us there are being repealed. So this makes a though-provoking article that is beneficial.

Summary Recommendation:

☒ **Publish with minor or no revision**

☐ Publish with major revision

☐ Do not publish

☐ Check this box if you wish to review the revised article before acceptance

Please submit article evaluation by e-mail to:

Lisa Bucher
Managing Editor
Air & Waste Management Association
436 Seventh Ave., Ste. 2100
Pittsburgh, PA 15219
Phone: +1-412-904-6023
Fax: +1-412-232-3450
E-mail: lbucher@awma.org

Note: More detailed or specific comments may be listed in a separate document or marked on a hard copy of the article and sent by fax or e-mail to the Managing Editor.

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 1/30/2019 7:53:24 PM
To: Paul Bailey [pbailey@americaspower.org]
Subject: Re: NARUC Feb 12

Paul,

Thanks so much! Unfortunately, I'll be in Houston on the 12th, but I'm checking on availability for rest of the team (I believe Bill may be doing a sideline bfast thing for NARUC that morning, so he might be able to stick around for the panel).

Clint

On Jan 30, 2019, at 10:27 AM, Paul Bailey <pbailey@americaspower.org> wrote:

Clint –

NARUC is holding a panel discussion on the ACE rule. I've agreed to be on the panel, and I've been asked to invite someone from EPA to also serve as a panelist. I'm not sure if they intend to invite other panelists. Would you be available and interested? The panel is scheduled for 10:45 – 11:45. I can provide more color if that would be helpful.

Thanks,
Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image001.png>

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 11/26/2018 2:59:10 PM
To: Michelle Bloodworth [mbloodworth@americaspower.org]
CC: Paul Bailey [pbailey@americaspower.org]
Subject: Re: ALEC Panel - Speaker Request

Michelle,

Thanks again for the opportunity to participate. Unfortunately, I will be in Chicago until noon but I am planning to participate at the ALEC meeting during Friday afternoon's Energy TF meeting (where I plan to focus on ACE). Sorry for the trouble but perhaps the panel could focus on their perspectives and mention the EPA perspective coming that afternoon?

Clint

On Nov 26, 2018, at 9:53 AM, Michelle Bloodworth <mbloodworth@americaspower.org> wrote:

Clint –

You did such a good job at our board meeting, we'd like to see if you are available to speak this Friday at an ALEC meeting here in DC. The panel would be similar to the panel at our board meeting. I'm also reaching out to Peter Glaser to give an overview of the rule from a legal perspective. The panel is tentatively scheduled from 10:00 a.m. until 11:15 a.m. We'd like you to give an overview of the Rule similar to what you did at our board meeting.

I apologize for the short notice. One of our members asked us if we could help him put together the panel. If you can't speak, let me know who else at EPA could participate. I'll send you the details once I know you are available.

Thanks,
Michelle

Michelle Bloodworth
President and CEO
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4803 • M: 202.595.4663
mbloodworth@americaspower.org

<image001.png>

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 10/30/2018 2:54:39 PM
To: Paul Bailey [pbailey@americaspower.org]
Subject: RE: ACCCE Board mtg Nov 14

Ex. 6 Personal Privacy (PP) -- Thanks!

From: Paul Bailey [mailto:pbailey@americaspower.org]
Sent: Tuesday, October 30, 2018 7:12 AM
To: Woods, Clint <woods.clint@epa.gov>
Subject: RE: ACCCE Board mtg Nov 14

Excellent. I'll call you this am. What's your phone #?

Paul Bailey
4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203
T: 202.459.4818 | M: 703.586.2422
pbailey@americaspower.org

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From: Woods, Clint <woods.clint@epa.gov>
Sent: Tuesday, October 30, 2018 5:16 AM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Re: ACCCE Board mtg Nov 14

Paul,

If you still need me, I will be available at 9:15 on the 14th and very interested in participating. Happy to talk more about logistics or content. Thanks!

Clint

On Oct 23, 2018, at 1:35 PM, Paul Bailey <pbailey@americaspower.org> wrote:

Fingers crossed. Thx.

Sent from my iPhone

On Oct 23, 2018, at 1:32 PM, Woods, Clint <woods.clint@epa.gov> wrote:

Paul,

Thanks so much for the invite! There may be a conflict with a public hearing that I may need to attend that day, but let me know double check and get back to you early next week.

Clint

On Oct 23, 2018, at 1:11 PM, Paul Bailey <pbailey@americaspower.org> wrote:

Clint –

Hope all is well. We'd like to invite you participate on a panel at our Board meeting about the proposed ACE rule. I'm also reaching out to Bill Brownell and Peter Glaser. We have the panel slotted for 9:15 – 10:00 at Venable. I can follow up with more details if you're available. Thanks and we hope you can make it.

Paul

Paul Bailey

4601 N. Fairfax Drive, Suite 1050 • Arlington, VA 22203

T: 202.459.4818 | M: 703.586.2422

pbailey@americaspower.org

<image003.png>